

## EXTENSIONS OF REMARKS

SUPPORT THE POSTAL SERVICE  
CORE BUSINESS ACT OF 1997,  
H.R. 198

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. HUNTER. Mr. Speaker, today I rise to reintroduce the Postal Service Core Business Act of 1997. Last year, I introduced this same bill as H.R. 3690. This is an important bill framing a debate on an important subject: Where is the line between U.S. Government competition with the private sector, particularly small business?

My bill will establish a clear line of demarcation between the U.S. Postal Service, a Federal agency, and small private businesses across America. For the past 20 years, a vibrant private sector business has been evolving. In fact, the industry was born within a region I represent, San Diego, CA.

This business sector is known as the CMRA, or Commercial Mail Receiving Agents, industry. These businesses establish a special relationship with the Postal Service and become agents for receiving mail for individuals and small businesses. These small businesses and women open a store, usually in a shopping mall, or a downtown business district, and rent private mailboxes to customers. Altogether, an industry of nearly 10,000 privately owned stores in all 50 States and virtually every congressional district has grown.

These CMRA stores are either franchise stores of nationally recognized groups like MailBoxes Etc, Postal Annex, PostalNet, Parcel Plus, or independently owned stores affiliated with the associated mail and parcel centers. Often, these small business owners use their life savings to establish their store. No matter what their origin, all of the stores are owner-operated by individual entrepreneurs who work long hours and thrive on fair and healthy competition. They do not look for government subsidies, nor do they shrink from competing with each other or any other private business which seeks to compete with them. What these small businesses did not count on was having to compete with the U.S. Government, in the form of the U.S. Postal Service, which has been known to describe itself as the 12th largest business in the Fortune 500.

The problem is that the Postal Service has decided to go into the business of packaging parcels, a service born and bred by these 10,000 small businesses, and there is clearly more on the horizon. In fact, the Postal Service announced its intention to spend billions to enter into retail competition with private business.

Stated simply, the Postal Service is not General Motors, AT&T, or Phillip Morris. It is an agency of the U.S. Federal Government. Its employees are Federal employees, its law-

yers are from the Department of Justice, its benefits are Federal employee benefits. Further, it enjoys unique advantages as a Federal agency which none of its top 10 Fortune 500 compatriots have. For example:

1. USPS has a legal monopoly on first class mail—This generates the lion's share of its \$50+ billion revenue. This gives it great opportunity to cross-subsidize from its stamp revenue to money losing operations such as their Pack & Send's.

2. USPS has no profit incentive—Since the Postal Service is a Government agency, it is not necessary for it to make a profit. That means it can run unprofitable business lines with impunity.

3. USPS can cross-subsidize these unprofitable businesses—There is no guarantee that the Postal Service will not use its monopoly revenue to cross-subsidize unprofitable activities like Pack & Send. In fact, it can, and does, even discount coupons on these nonstamp products.

4. USPS does not charge sales tax—That is a 4- to 8-percent advantage in most States.

5. USPS pays no property tax on its own facilities—It is not fair that the USPS can enter into direct competition against private sector businesses while being exempt from property tax.

6. USPS is self-insured—As an agency of the U.S. Government, the Postal Service does not need to buy insurance. All these small businesses must, or risk losing their business in litigation.

7. USPS borrows money from the Federal Reserve—Federal law permits the Postal Service to borrow money directly from the Federal Reserve at preferred rates. CMRA's must borrow from banks at market rates and with secured collateral.

8. USPS is immune from antitrust laws—All private businesses in America, big and small, must comply with Federal and State antitrust regulations. The Postal Service, however, claims they are not subject to the same antitrust laws.

As a result, the Postal Service, a \$50+ billion business, is preying on small business owners with impunity, doing what it wants with little regulation from Federal, State, and local authorities. It is critical that Congress step in and set up some rules.

Mr. Speaker, the Postal Reorganization Act of 1970 was enacted before the CMRA industry had developed. A review of the act makes that clear. The act does not even include a definition of what services the Postal Service can and cannot offer. This 1970 law needs to be revised to set some groundrules—a line of demarcation setting out what activities the Congress intends the Postal Service to offer. Most agree that it should continue to deliver the mail, but I don't believe its job description should also include T-shirt sales or packaging services.

My bill sets out some rules as to what the Postal Service can and cannot do regarding

competition with the private sector. It is simple and straightforward:

Like most of my colleagues, I am a strong supporter of the Postal Service and I rely on it everyday to receive and deliver my mail. The Postal Service Core Business Act protects and promotes a strong and vibrant Postal Service by allowing it to keep offering the same services it has been doing all these years. It can continue to concentrate on its core business: mail delivery. It can continue to offer those special and ancillary services as it has for decades, including selling packaging materials for use by its customers.

What it cannot do is compete with private businesses in areas that the Postal Service has not been traditionally engaged. For example, its new packaging service, called Pack & Send, would be prohibited under my bill. The private sector is already offering this service in over 10,000 locations throughout the country.

The Postal Service will also be prohibited from becoming a volume photocopy dealer; there are plenty of private businesses which provide this service. The same goes for gift wrapping, notary services, and other business-related services.

The aforementioned services are not functions of the Postal Service established by our Founding Fathers in the Constitution, and are therefore better left to the willing and able private sector.

This bill will not effect the Postal Service's ability to deliver overnight packages.

This bill will not prevent the Postal Service from accepting packages for mailing or shipment.

This bill will not interfere in any way with normal postal service operation.

My bill provides that line of demarcation which must be established now that the Postal Service is trying to branch out into other non-traditional areas of business.

The American entrepreneur is out there in all 50 States to provide these new services. We do not need a Government created and protected entity like the Postal Service to provide these services.

Nearly 10,000 small business owners in virtually every congressional district support this bill. During the 104th Congress, many of these business owners contacted their Representatives with their support for a clear definition of Postal Service activities.

Mr. Speaker, I believe it is important to point out to my colleagues that the Postal Service is now offering this Pack & Send service in violation of the Postal Reorganization Act. The Postal Rate Commission [PRC] has recently found that this service cannot be offered unless and until the Postal Service has submitted it for a rate and classification hearing before the Commission.

There is one problem, however, only the Postal Service can submit the case to the Commission; the Commission cannot initiate it themselves. The PRC is now waiting for the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Postal Service to submit the case or to cease the service. Until that time, the largest Federal agency, the Postal Service, is offering a service in direct competition with private sector businesses, and in violation of its own enabling legislation.

Clearly, we do not want Federal agencies acting independently of the mission they were assigned by Congress, which is the ultimate authority. The Constitution specifically directed the Congress to determine what kind of post office the Nation should have. That is what my bill is all about.

Interestingly, Mr. Speaker, the United States is not the only country experiencing this quandary of what business line its post office should and should not be permitted to enter. In Canada, the Canada Post Corporation is currently in the business of competing with the private sector. There is no constraint on Canada Post in this regard under Canadian law, and the Canada Post has jumped in with enthusiasm.

In 1993, Canada Post purchased the largest private, Canadian owned courier service, Purolator Courier, in order to compete with local and American delivery services. Further, it is in the mailing center business as well. Much as its American counterpart, it is competing head to head with local and franchised private centers such as MailBoxes, Etc.

Canada Post is aggressively promoting unaddressed admail in direct competition with private mailers and even going so far as to deny access to private apartment boxes to its private sector competition.

This is the future for the U.S. Postal Service if my bill is not passed and Congress does not act to set ground rules in this area of what the U.S. Postal Service can and cannot do.

The Situation in Canada has so deteriorated that the government appointed a one man commission to review these and other issues and to make recommendations to the Canadian Government.

That Commission held hearings and took testimony throughout Canada and thoroughly examined the issue of competition by Canada Post with private mailing centers. Its conclusion was straightforward:

"The Government should direct Canada Post Corporation to withdraw from all competition with the private sector in areas of activity outside its core public policy responsibilities for providing postal services." [Report of the Canada Post Mandate Review, p. 86]

"Specifically, that means exiting from the courier business, from unaddressed admail, from the operation of business support or mailing centers, from electronic products and services, and from retailing of non-postal merchandise." [Report of the Canada Post Mandate Review, p. 84]

Mr. Speaker, my bill does not take on all the issues that this comprehensive review did, but that review hit the issue on the head. The basic conclusion of the Commission was that no government agency, like Canada Post or the USPS, can serve and compete with its customers at the same time.

The Postal Service Core Business Act is sound and fair in identifying a workable solution for all parties. I urge my colleagues to join me in support, because it establishes the rules necessary for both the Postal Service and the

private sector as to this area of postal related business. These small business owners are looking to us to ensure that they are afforded a fair chance to succeed, and as their Representatives we need to work to meet their needs.

#### LEGISLATION TO CORRECT MEDICARE BENEFICIARY OVER- CHARGES IN HOSPITAL OUTPATIENT DEPARTMENTS

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. STARK. Mr. Speaker, today Representative WILLIAM COYNE and I introduced a bill to correct a glaring failure in the Medicare Program—the massive overcharging of beneficiaries in hospital outpatient departments [HOPDs]. This bill will save Medicare disabled and senior beneficiaries about \$35.7 billion between 1999 and 2003. It will stop the steady, upward climb in the percentage of HOPD costs that beneficiaries have to pay.

The problem is difficult to describe and the legislative solution is also complicated. But what is not complicated is understanding the impact on Medicare beneficiaries. I would like to include in the RECORD at this point an article from the June 30 New York Times and the AARP Bulletin of August, 1996 that does an excellent job of explaining why our bill is needed—ASAP.

I also include some prospective payment assessment commission analysis of data from the Health Care Financing Administration on how beneficiary copayments in HOPDs can far exceed a patient's 20 percent share at an ambulatory surgical center. Clearly, these HOPD payments are grossly excessive, and patient advocacy groups should help spread the word about cheaper sources of safe and effective medical care.

[From the New York Times, June 30, 1996]

QUIRK IN MEDICARE LAW YIELDS BIGGER BILLS  
FOR OUTPATIENT CARE; OFFICIALS SAY BUR-  
DEN ON THE ELDERLY IS INCREASING

(By Robert Pear)

WASHINGTON, June 30—Because of a quirk in the Federal Medicare law, elderly people are being required to pay more than their normal share of the bill for hospital outpatient services. It is far more than Congress originally intended and the burden is rising rapidly as such services account for a larger portion of all health care in the United States.

Beneficiaries are ordinarily responsible for 20 percent of the cost of services under Part B of the Medicare program. But because of the law, they are now responsible, on average, for 37 percent of the total payments to hospitals for outpatient services, one of the most important benefits under Part B, according to a recent report to Congress by a Federal advisory panel.

For many such services, the patients' share is even larger. Donna E. Shalala, the Secretary of Health and Human Services, said beneficiaries were paying more than 49 percent of the total Medicare payment to hospitals for outpatient surgery, radiology and other diagnostic services.

And Dr. Shalala said, "We expect that the beneficiary share of total hospital payments for these services will continue to increase rapidly," to 68 percent in 2000.

Since 1983, the Government has paid a flat amount for each Medicare patient admitted to a hospital, depending on the diagnosis. But there are no such limits on outpatient services. A hospital can often increase its Medicare revenue "by simply increasing its charges" for outpatient services, the Department of Health and Human Services told Congress. When the hospital increases its charges, the beneficiary pays more.

The Clinton Administration acknowledges that the costs are already causing hardship for many Medicare beneficiaries. But Administration officials say they lack the authority to limit what hospitals charge for outpatient services under Medicare, and they are fighting a lawsuit by Medicare patients who insist that the Government is supposed to set such limits.

The new Medicare handbook, sent to all beneficiaries in May, explains the situation this way: "When you use your Part B benefits, you are responsible for paying the first \$100 each year of the charges approved by Medicare. This is called the Part B annual deductible. After the deductible is met, Medicare pays 80 percent of the Medicare-approved amount for most services. You are responsible for the remaining 20 percent."

But, it states, there is one big exception: "If you receive outpatient services at a hospital, you are responsible for paying 20 percent of whatever the hospital charges, not 20 percent of a Medicare-approved amount."

In March, the Federal advisory panel, the Prospective Payment Assessment Commission, urged Congress to correct this problem. "The growing financial burden for Medicare enrollees who receive services in hospital outpatient departments should be alleviated immediately," the panel said. "Beneficiary coinsurance for these services should be limited to 20 percent of the Medicare-allowed payment."

But neither Congress nor the Clinton Administration is pushing for a quick solution, partly because of the complexity of the problem and partly because of disagreement over who would foot the bill. If beneficiaries paid less, then the Federal Government would have to pay more or hospitals would have to accept less overall? Any solution would increase Federal Medicare costs, reduce hospital revenue or both.

For example, a 74-year-old woman named Marie Lohse had outpatient cataract surgery on one eye at a Los Angeles hospital. The hospital charged \$6,277. She was responsible for 20 percent of that amount, or \$1,255. But, she later learned, Medicare paid the hospital only \$1,280. So the hospital received a total of \$2,535, and Ms. Lohse paid 49.5 percent of the total reimbursement.

If she had paid 20 percent of the Medicare-approved amount, as required for many other Part B services, she would have paid only \$507.

Robert J. Myers, who was chief actuary of the Social Security Administration for 23 years, said of the current formula, "It's a raw deal, a gross injustice to beneficiaries that ought to be remedied."

Mr. Myers said it had always been "the general philosophy, the general principle of the Medicare program, that the beneficiary should be responsible for 20 percent of what Medicare recognizes as the reasonable and appropriate amount for a service."

And in most cases that is true. But hospital outpatient services are different: the



patient is responsible for 20 percent of whatever the hospital charges. Originally, what hospitals charged and what Medicare recognized as reasonable were about the same. But in recent years, hospitals have charged far more than Medicare pays for outpatient services. So in paying 20 percent of the hospital charges, beneficiaries end up paying much more than 20 percent of what the hospitals ultimately receive for such services.

Earlier versions of the Medicare handbook, in 1991 and 1992, said inaccurately that beneficiaries were responsible for only 20 percent of the approved amount. The handbook now says "20 percent of whatever the hospital charges."

The financial burden on patients has been increasing because outpatient care accounts for a rapidly growing share of all medical care.

New surgical technology and advances in anesthesia have reduced the need for overnight hospital stays. Common outpatient services include colonoscopy, breast biopsy and hernia repair. But complex procedures like hysterectomies and reconstructive knee surgery can also be done in hospital outpatient departments.

The demand for such services increases as the procedures become safer and easier to perform. In addition, said Dr. Richard B. Reeling, chairman of the ambulatory surgical committee of the American College of Surgeons, "Managed care and financial considerations have given us incentives to do more procedures on an outpatient basis."

Carol S. Jimenez, a lawyer at the Center for Health Care Rights in Los Angeles, said, "Medicare beneficiaries expecting to pay a 20 percent copayment should not be paying 49 percent or more of the amount paid to the hospital."

But in a legal brief recently filed with the United States Court of Appeals for the Ninth Circuit, in San Francisco, the Clinton Administration said such charges were "entirely permissible" under current law.

Congress has never instructed Medicare officials to "limit what hospitals could charge to beneficiaries for outpatient services," the Clinton Administration said.

And in a letter to a Medicare beneficiary in Florida, the Federal Government said that "there are no restrictions on the amount that a hospital charges" for outpatient services.

While expressing sympathy for Medicare beneficiaries "burdened by ever-rising medical costs," the appeals court has so far refused to step into the dispute.

Outpatient services can be a major source of revenue because hospital admissions have fallen over the last decade and Medicare has sharply restricted payments to hospitals for inpatient services.

Spending for outpatient hospital services, by Medicare and other insurers, has grown twice as fast as outlays for inpatient hospital care, rising 15.7 percent a year since 1980, to \$86.7 billion in 1994, while inpatient spending rose 7.8 percent a year, to \$212.4 billion.

Many elderly people have supplementary insurance, known as Medigap policies, to help pay costs not covered by Medicare, but as they pay more for outpatient services, their Medigap premiums tend to increase. In December, when the American Association of Retired Persons announced premium increases averaging more than 25 percent for 1996, it cited the increased use of outpatient services as a major reason.

Under instructions from Congress, the Department of Health and Human Services is

developing a proposal to pay hospitals a fixed amount, set in advance, for each outpatient service. Medicare could then follow its general policy of requiring beneficiaries to pay 20 percent of the approved amounts. Such a system would be complex and would need approval from Congress.

[From the AARP Bulletin, August 1996]

MEDICARE OUTPATIENT DEBACLE—HOSPITALS ALLOWED TO CHARGE MORE FOR OUTPATIENT CARE

(By Don McLeod)

A federal court ruling has focused new attention on a growing problem for Medicare beneficiaries, first reported nearly four years ago in the Bulletin.

The problem is this: When beneficiaries receive medical treatment in hospital outpatient facilities, they often pay much more than their fair share of the bill.

Why? Because under federal law hospitals can charge Medicare beneficiaries whatever they wish for hospital outpatient care. (By contrast, federal law does limit how much hospitals can charge Medicare inpatients and how much doctors can charge Medicare beneficiaries.)

All of this is perfectly legal. And if the situation is to be fixed, the Ninth U.S. Circuit Court of Appeals said in essence this summer, it is up to Congress to fix it.

Congress has the authority to limit what hospitals charge Medicare outpatients, all experts agree, but thus far has declined to do so.

Since Congress hadn't exercised its authority in this area, some Medicare beneficiaries sued the Department of Health and Human Services (HHS), which runs Medicare, to force the agency to correct the situation.

But in its ruling the court agreed with HHS Secretary Donna Shalala that existing law does not require her to take action on the issue.

All of which means hospitals can continue to charge Medicare outpatients any amount they want.

The high charges beneficiaries pay for hospital outpatient service are "terribly unfair," says Brandeis University economist Stuart Altman. And, he adds, the problem "is getting worse and worse."

The situation comes about because of a longstanding loophole in the law. Under current law, Medicare pays for hospital outpatient treatment under Medicare's Part B, which also covers physician costs.

In the case of doctors, Medicare pays them 80 percent of what it considers a "reasonable and customary" amount, based largely on costs, and beneficiaries pay the remaining 20 percent of what Medicare considers reasonable.

When it comes to hospital outpatient services, Medicare pays 80 percent of what it considers reasonable, based on a complex formula that includes the hospital's costs.

But beneficiaries, by contrast, are required to pay 20 percent of the amount that hospitals decide to charge them, rather than 20 percent of what Medicare considers reasonable.

And that hospital charge can be sizable. As a result, beneficiaries often find themselves paying almost as much as the government does for hospital outpatient treatment.

In a report to Congress last year, HHS's Shalala estimated that Medicare outpatients on average pay 49 percent of the total payment made to hospitals for several common treatments.

In part, this is extra income for hospitals. If beneficiary copayments for these treat-

ments were cut to the 20 percent Medicare believes reasonable, she said, the amount paid by enrollees "would be reduced by over \$4 billion in 1997 and by \$15.7 billion in 2001."

Nor is that all. Given the way hospital charges are rising, beneficiaries could be paying as much as 68 percent by the year 2000, Shalala warned.

"This is a windfall for hospitals," says AARP legislative representative Kirsten Sloan. "There's no question about it."

Not surprisingly, hospitals see the situation differently. Under Medicare, hospitals "are already being paid less than their costs," says Carmela Coyle, the American Hospital Association's vice president for policy.

Paradoxically, the anomaly in hospital outpatient payments stems from an attempt in 1986 to bring outpatient payments closer to the billing system for inpatients.

But what Congress actually did in 1986 was create a temporary payment structure for determining what Medicare can pay hospitals for outpatient fees. At the same time, it left unaddressed the question of whether there should be limits on what beneficiaries themselves must pay. This structure is still being used and has created the inequity that exists today.

Since then, reimbursement for outpatient care has been treated differently. Beneficiaries have been required to pay 20 percent of the charges that hospitals bill them. That didn't seem significant in 1986, says Brandeis' Altman, because relatively few treatments were done on an outpatient basis and hospital charges were close to their costs.

Times have changed. Between 1985 and 1989 the number of outpatient surgeries performed by hospitals on Medicare beneficiaries increased by 50 percent and has risen since.

Other forces are helping drive up the amounts hospitals charge, some associated with actual hospital costs, some not, critics say.

Whatever the reasons, "20 percent of charges has turned out to be a lot more than 20 percent of costs," says Altman, meaning that beneficiaries are paying a good deal more than what critics believe is "reasonable."

Beneficiaries are feeling the pinch. "With more people using hospital outpatient services," says AARP's Sloan, "the problem of the amount that beneficiaries pay out of pocket is becoming much more severe."

The recent court decision, all sides agree, tosses this growing problem into the lap of Congress. "So the question becomes," says Altman, "why don't they change the law?"

Thus far, Congress has shown little interest in revamping the law. The major reason: money. Either Medicare—its future spending already under attack in Congress—would have to make up the costs, or hospitals would lose their windfall and have to absorb the costs.

Or the two would have to share the fiscal pain. For instance, the American Hospital Association's Coyle, insisting that Medicare has underestimated hospitals' actual outpatient costs, suggests that hospitals and beneficiaries join forces to compel "Medicare to pay [its] fair share of costs." That idea hasn't caught on.

Until Congress decides what to do, beneficiaries should help themselves by being informed consumers, analysts say. "Before they go in for hospital outpatient surgery, they should ask about the likely cost to them," advises AARP legislative representative Patricia Smith.

But that's only a stopgap solution. With concern in Congress growing, a move to produce change could occur next year or shortly thereafter, analysts say. It won't be easy: Congress will have to change the law in a way that hospitals, as well as Medicare and the taxpayers who finance it, will support.

The ball is squarely in Congress' court now, says Altman. The Ninth Circuit Court of Appeals has essentially ruled, he adds, that "the law is the law, and it remains for Congress to change it. And that's what needs to be done."

#### BENEFICIARY COINSURANCE PAYMENTS ACROSS SETTINGS, 1995

Procedure	Median hospital OPD coinsurance	20 percent of the national ASC rate	20 percent of the national physician fee schedule
Cataract removal w/lens insertion .....	\$558	\$176	\$195
Diagnostic colonoscopy .....	164	79	65
Upper GI endoscopy w/biopsy .....	172	79	51
Diagnostic upper GI endoscopy .....	150	59	45
Diagnostic sigmoidoscopy .....	75	.....	18
Initial inguinal hernia repair .....	519	112	92

#### ANNUAL HOSPITAL OPD COINSURANCE PAYMENTS FOR BENEFICIARIES WHO RECEIVED HOSPITAL OPD SERVICES, 1995

Deciles (percent)	Annual beneficiary coinsurance
Top 10 .....	\$802
Top 20 .....	505
Top 30 .....	335
Top 40 .....	227
Median .....	154
Bottom 40 .....	103
Bottom 30 .....	67
Bottom 10 .....	20

#### MEDIAN BENEFICIARY COINSURANCE PAYMENTS FOR CATARACT SURGERY FOR HOSPITALS IN THE SAME MSA, 1995

Provider	Percent of total volume	Median charges	Median coinsurance payment
Hospital A .....	39	\$2,751	\$550
Hospital B .....	52	1,218	244
Others (2) .....	10	.....	.....
Total .....	100	2,002	400

#### HONORING EUGENE AND DORIS HERDMAN ON THEIR GOLDEN ANNIVERSARY

##### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. GILLMOR. Mr. Speaker, I am pleased to extend best wishes to Eugene and Doris Herdman on the occasion of their golden wedding anniversary, February 9, 1997.

Eugene and Doris Herdman have shared a partnership of love and commitment which has been an inspiration to all who have known them. Enriched by all of life's experiences, their union has endured and grown stronger over time.

Marriage is the principal foundation on which civilization has been built. The loyalty and love that Eugene and Doris Herdman have demonstrated through the past 50 years

strengthens the institution of marriage and increases our faith in the idea of trust between human beings.

As Eugene and Doris Herdman celebrate this special occasion, I wish them, their two children, Nancy and Jim, and their two grandchildren, Jon and Alison, many years of happiness and fulfillment.

#### TRIBUTE TO ELDER WILLIAM ALONZO GIVENS

##### HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. DIXON. Mr. Speaker, I rise to celebrate the life of Elder William Alonzo Givens, who passed away on Christmas Day, December 25, 1996.

Elder Givens was born in Austin, TX, on April 20, 1916, to Arthur Givens and Lizzy Burton. He received his ministry license at the age of 17. In 1929, the Givens family relocated to Midland, TX, where they continued to serve God faithfully, ministering to the needs of many others in the community.

On August 3, 1939, Elder Givens married the former Louise Estelle Thomas. Their blessed union produced seven children, two of whom preceded Elder Givens in death. In December 1942 Elder Givens moved his family to Los Angeles, CA. In 1943, he embarked on a career as a longshoreman, a career that would span nearly 30 years.

In 1976, Elder Givens was assigned by Bishop S. M. Crouch to serve as assistant pastor to the late Walter Sanders at All Nation Church of God in Christ, located in San Pedro, CA.

During his lifetime, Elder Givens traveled throughout California pastoring to the needs of the sick and the shut-in. He not only preached the Gospel, he worked to counsel troubled youths, and those who were in need of spiritual nourishment and fellowship. At his home-going celebration, person after person rose to speak of their love and selfless devotion for this gentle, kind, and always God-fearing man, who loved unconditionally and cherished his family and his God.

Those who knew best of his love for human-kind—his family—spoke lovingly of a man who was not only a husband and a father, but of a man who was their friend, counselor, spiritual guide, provider, and protector.

Mr. Speaker, Elder Givens was a man of tremendous character and integrity. His success was measured not in material terms, but in the honorable manner in which he lived his life. His devotion to God was unwavering, and his commitment to the sacrament of marriage and the responsibilities of parenthood, stand as the true measure of this humble servant of our God.

I, therefore, ask you to join me in celebrating the extraordinary contributions of this extraordinary man. In honoring his memory, we extend our condolences to his beloved wife, Louise; his children: Nettie, Linda, Gwendolyn, Jerry, and Robert; and his 19 grandchildren and 9 great-grandchildren, and numerous friends who mourn his loss.

#### SALUTE TO COYA KNUTSON

##### HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. SABO. Mr. Speaker, today I would like to pay tribute to Coxa Knutson, the only Minnesota woman ever elected to the U.S. House of Representatives, who died in October at the age of 84.

Congresswoman Coxa Knutson received considerable attention in 1958 when her husband ignited a nationwide debate over the role of women in politics by sending his now-famous "Coxa, Come Home" letters to Minnesota newspapers. The letters—which unfairly implied that her public career in Washington was forcing her to neglect her private duties as a wife and mother in Minnesota—are probably responsible for her close electoral defeat in 1958 after two terms.

Before the letters made national news, Knutson seemed a shoo-in for a third term. Her opponent that year—who ran on the slogan "A Big Man for a Man-Sized Job"—helped put her husband up to the letters. It also didn't help that she broke with leaders of the State Democratic Party—including Hubert Humphrey—by supporting Estes Kefauver over Adlai Stevenson in the 1956 Minnesota Presidential primary. Many of her Democratic friends did not forgive her for that break, and may even have supported the "Coxa Come Home" campaign.

But the story of Coxa Knutson is far deeper than the "Coxa Come Home" letters that gained her national notoriety and ended her congressional career.

In an era when many women in Congress were widows serving out their late husbands' terms, Coxa Knutson represented much more. Former Vice President, and Minnesota Senator, Walter Mondale likened her to Hubert Humphrey. "She was full of life," he said. "She was electric and people liked her. She was kind of like Humphrey. She could go into a room and get the dead to wake up."

When she arrived in Washington, Knutson's first choice for a committee assignment was the Agriculture Committee, where she could champion the cause of the family farmers who populated her district. But the committee's chairman "had no interest in women serving with him." Most women of the time would have backed off. Knutson, however, went to Speaker Sam Rayburn and convinced him that she should be on Agriculture. So it was there she served, and it was there that her grasp of issues—and her hard work—eventually earned her the respect of the chairman.

Many of Coxa Knutson's legislative priorities still have resonance today. The Washington Post cataloged her congressional work in a story published a short time after her death.

In her four years in Washington, Coxa Knutson pushed for the first Federal appropriations for cystic fibrosis research. She introduced the first bill to include an income tax checkoff for Presidential campaign financing. She created the legislation that would eventually establish a Federal student loan program. She supported the equal rights amendment when labor and many liberals still opposed it on the grounds that it could



bring an end to legislation enacted to protect women in the workplace.

Unlike most of the women serving at the time, she felt no need to make the big men like her. It was that trait, combined with a real dedication to the job, that tells the real story of Coya Knutson.

During her 4 years in Washington, she did much to pave the way for women who would later serve in Congress. She overcame obstacles and pushed down barriers that women today no longer encounter. She served with grace and accepted defeats without bitterness. Coya Knutson showed the Nation that a woman's place is not only in the home, but also in the House. For that, Mr. Speaker, the Nation owes Minnesota Congresswoman Coya Knutson a tremendous debt of gratitude.

#### RELEASE MONEY TO SAVE WOMEN'S LIVES

#### HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Ms. FURSE. Mr. Speaker, a very important vote on family planning will occur by the end of February.

The fiscal year 1997 Foreign Operations appropriations bill directs the President to submit a Presidential finding to Congress no later than February 1, detailing whether or not the spending restrictions imposed on family planning overseas are having a negative impact on the proper functioning of those programs.

The Presidential finding is to be included in a joint House-Senate resolution on which both bodies must vote by February 28. If both the House and Senate approve the finding, international family planning funds will be released on March 1 rather than the current July 1 release date of funds that have already been appropriated.

I commend to my colleagues' attention the following column written by First Lady Hillary Rodham Clinton in which she portrays the situation of real women's lives and the urgent need for family planning.

#### TALKING IT OVER

(By Hillary Rodham Clinton)

The pregnant woman wore an alpaca shawl over her blouse and full skirt, the traditional Indian dress in Bolivia. She looked about 36 and was attending a prenatal class at a health clinic I visited this week in the Bolivian capital, La Paz. She was nursing a 3-month-old baby and expecting her eighth child, who she hoped would be her last.

I was in Bolivia to attend the Sixth Conference of Wives of Heads of State and Government of the Americas. Women from countries throughout the Western Hemisphere got together to talk about strategies to eliminate measles, promote education reform and improve maternal health in our region.

Bolivia, a country of majestic beauty in the heart of South America, was an auspicious location for such a discussion. More women die in Bolivia during pregnancy and childbirth than in any other country in South America. But in the face of this human tragedy, Bolivia has become a model of how one nation can respond to the crisis

of maternal mortality by galvanizing the government, non-governmental organizations and the medical establishment to launch a nationwide family-planning campaign.

In a country where half of all expecting mothers go through pregnancy and childbirth alone—without medical attention of any kind—Bolivia's aggressive effort to educate women about their own health and their options for childbearing is resulting in safer pregnancies, stronger families and fewer abortions. Without access to family planning, women in Bolivia—and in many developing nations—often turn in desperation to illegal, unsafe abortions that can end in death or serious injury. Deaths from abortion complications account for half of all maternal deaths in Bolivia.

As Bolivia has ably demonstrated, voluntary family planning teaches women about the benefits of spacing children several years apart, breast-feeding, good nutrition, prenatal and postpartum visits and safe deliveries. It also decreases the number of abortions.

Bolivia's success at preventing mothers from dying and lowering abortion rates has been possible, in part, because of help from the United States and other countries. The U.S. Agency for International Development has provided financial and technical assistance to help Bolivia establish a network of primary health care clinics.

The clinic I visited in La Paz is one that the United States helped start. Called PROSALUD (which, loosely translated, means "for the good of health" in Spanish), the clinic has doctors and nurses who offer round-the-clock prenatal, obstetric and pediatric services, as well as counseling about family planning in a poor neighborhood of 15,000 people. In the first six months of this year, the clinic staff provided 2,200 medical consultations, delivered 200 babies, registered 700 new family-planning users and immunized 2,500 children.

There are obvious benefits of such a program to Bolivian women, children and families, but health and family-planning services also help alleviate poverty and contribute to the economic stability of a democratic ally in our hemisphere. Yet opponents of foreign assistance and particularly of family planning in Congress are trying to eviscerate U.S. funding for programs like the one I saw at PROSALUD. Some argue that the United States has no national interest in the health and well-being of other countries' citizens. Others mistakenly suggest that family planning is being used to encourage—rather than decrease—abortions. In fact, our government has prohibited funding of any overseas project that promotes abortion since 1973.

Ignoring this, Congress last year approved draconian cuts in family-planning assistance amounting to a 35-percent reduction in funds. To add insult to injury, the cuts were accompanied by new restrictions that delayed delivery of aid for the first nine months of the fiscal year.

Similar harsh cuts and delays are included in the current budget, meaning that many organizations could again be denied assistance for months and then receive it only in monthly installments.

According to a recent analysis by five population organizations, the funding cuts alone will result in an increase of 1.6 million abortions, more than 8,000 maternal deaths, and 134,000 infant deaths in developing countries.

Family-planning campaigns at work in Bolivia and elsewhere represent sensible, cost-effective and long-term strategies for im-

proving women's health, strengthening families and lowering the rate of abortion. My husband's administration remains committed to the continuation of these investments. And I will do everything I can to ensure that U.S. support for these initiatives continues. If you share my concern, I hope you will add your votes to mine and give all women everywhere the same opportunities for their lives we take for granted in ours.

#### TRIBUTE FOR JAMES M. MURPHY

#### HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. TALENT. Mr. Speaker, today I rise to pay tribute to one of my constituents, Mr. James M. Murphy. Mr. Murphy has been recognized as the 1996 Outstanding Businessperson of the Year by the Creve Coeur-Olivette Chamber of Commerce. This award highlights his continuing efforts not only with the chamber, but with the entire St. Louis construction and business community. It is indeed an honor to recognize his hard work and efforts as an outstanding leader and citizen.

The following proclamation was presented to Mr. Murphy by the Creve Coeur-Olivette Chamber of Commerce, in recognition of his outstanding accomplishments.

Whereas Jim Murphy, president of Murphy Company Mechanical Contractors and Engineers, has served as the president of the Olivette Economic Development Commission, and

Whereas his leadership of the Commission has contributed to the economic stability of Olivette, and created economic growth for the City of Olivette, and

Whereas he has achieved unprecedented national success for his company in the construction and business communities, and

Whereas he has served the St. Louis business community through leadership and dedication, and

Whereas he has unselfishly devoted both time and effort to the health and welfare of the St. Louis community by supporting charitable, civic and business organizations, and

Whereas he has demonstrated the highest ethical values in the conduct of his business and personal life, and

Whereas his support of educational excellence has contributed to providing unlimited opportunity for future business and community leaders. Therefore be it

Resolved, That James J. Murphy, Jr., be honored by the membership of the Creve Coeur-Olivette Chamber of Commerce as the 1996 Outstanding Businessperson of the Year.

Mr. Speaker, I join the chamber and the St. Louis business community, in honoring Mr. Murphy for his continuing service to our community. His efforts are an inspiration to us all.

#### A TRIBUTE TO THE HONORABLE JUDGE MARY E. Mc DEVITT

#### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. BONIOR. Mr. Speaker, I rise to pay tribute to the Honorable Judge Mary E. McDevitt

on the occasion of her retirement from the 39th district court in Roseville, MI. It will be my pleasure to enter this statement into the official CONGRESSIONAL RECORD in February when the 105th Congress convenes.

Over the years, Judge McDevitt has enjoyed a fine reputation as a distinguished jurist in our community and throughout the State of Michigan. She has demonstrated her legal expertise both as a Justice of the Peace in Erin Township and in Roseville where she has served as district judge for 39 years.

Judge McDevitt also served as a probation officer and investigator for adoptive and boarding home parents as the Macomb County Probate Court, Juvenile Division. She has been affiliated with many professional organizations, such as the American Bar Association, and has generously volunteered her time for civic activities.

Mr. Speaker, on the special occasion of her retirement after 39 years on the bench, I ask my colleagues to join me in extending best wishes to Judge McDevitt and her entire family. Her dedication and commitment will be greatly missed.

#### TRIBUTE TO JIM KELLY

#### HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. QUINN. Mr. Speaker, I rise today to honor Mr. Jim Kelly on the occasion of his retirement as quarterback for the Buffalo Bills.

Throughout its celebrated history, the Buffalo Bills have never enjoyed the tremendous success it did under the able leadership of Jim Kelly. During his 11-year career, Jim Kelly took the Bills from league obscurity to four consecutive Super Bowls. He amassed nearly 36,000 passing yards, completing over 60 percent of his attempts. But with Jim Kelly, statistics only tell half the story. His toughness, will to win, and dedication to his team are truly legendary.

In addition to his Hall of Fame caliber performance as a professional quarterback, Jim Kelly has proven himself a leader off the field in our western New York community. His charitable endeavors include an annual celebrity golf tournament to benefit disadvantaged children, involvement with area youth through an annual football camp, the Kelly for Kids Foundation, and his tireless effort on behalf of Camp Good Days and Special Times for families dealing with cancer.

Jim's own family played an important role in developing the values which made him such a leader in the community and with the Bills. His closeness to his father and brothers, well-known love and admiration for his late mother, Alice, and commitment to his new family embody the true blue-collar values which characterize our community.

Mr. Speaker, today I would like to join with Jim's wife, Jill; his daughter, Erin; his brothers, Pat, Ray, Ed, Dan, and Kevin; his father, Joe; the Buffalo Bills organization; the National Football League; and indeed, our entire western New York community to pay tribute to Mr. Jim Kelly. With retirement comes many new

opportunities. May Jim meet every opportunity with the same enthusiasm and vigor in which he demonstrated throughout his brilliant career; and may those opportunities be as fruitful as those in his past.

On behalf of all of the Buffalo Bills fans in western New York and elsewhere, I would just like to express to Jim our sincere thanks and congratulations.

#### HONORING THE LIONS CLUB OF LAGRANGE ON THE OCCASION OF THEIR 50TH ANNIVERSARY

#### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding service organization located in Ohio's Fifth Congressional District. On May 10, the Lions Club of LaGrange, OH, will celebrate their 50th anniversary.

The city of LaGrange is a community renowned for its civic pride and commitment to service. In 1947, it was home to active churches and school organizations dedicated to helping others. There was not, however, an agency which could coordinate these services to provide for the entire community. It was decided to form a Lions Club and after enlisting 28 good citizens of LaGrange, they became charter members and joined Lions International.

It was a good start and the club was active in the community from the very beginning. Throughout its history there has never been a lack of enthusiasm or volunteer labor for its many projects. In addition, the LaGrange Lions Club has been active throughout the years in zone, State and international Lions.

Anniversaries are a time to reflect upon a steadfast tradition of service. It is also a time to look toward new horizons. Lions have made it their responsibility to serve those in need by keeping pace with the ever increasing challenges facing mankind.

Mr. Speaker, it is obvious that the community and the members of the club have greatly benefited from the effort that was started in 1947. I ask my colleagues to join me today in recognizing the achievements of the LaGrange Lions and encourage them to continue to uphold what has become the standard for service in Ohio.

#### A TRIBUTE TO MR. THOMAS STRACK AND MS. CHRISTINE KELLY

#### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to two outstanding athletes from my district. Mr. Thomas Strack and Ms. Christine Kelly, who are competing in pairs figure skating at the Special Olympics World Winter Games in Canada, February 1 to 8, 1997.

Mr. Strack of Palos Heights, IL, and Ms. Christine Kelly of Oak Lawn, IL, have skated together for 6 years and are both veterans of local, national, and international special olympics competitions. More important, they are good friends, and have forged friendships with many others through the special olympics.

Tom and Chris, as well as 131 other athletes and 29 coaches from Illinois, will join more than 2,000 competitors from 90 countries vying in five different events at the winter games.

Mr. Speaker, I extend my best wishes to these fine athletes, as well as all the other courageous participants in the 1997 Special Olympics World Winter Games.

#### TRIBUTE TO JOAN BERKMAN

#### HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. TALENT. Mr. Speaker, today I rise to pay tribute to one of my constituents, Ms. Joan Berkman. Ms. Berkman is being recognized as the outgoing president of the Creve Coeur-Olivette Chamber of Commerce. Her dedication to community service, through her work with the chamber and numerous other organizations, highlights her as an outstanding leader and citizen.

The following proclamation was presented to Ms. Berkman by the Creve Coeur-Olivette Chamber of Commerce, in recognition of her many accomplishments.

Whereas Joan Berkman, 1996 President of the Creve Coeur-Olivette Chamber of Commerce and Area Manager of External Affairs, Southwestern Bell, and

Whereas as President of the Chamber she has provided outstanding leadership in her commitment to develop partnerships between the residential and business communities, and

Whereas she has challenged, encouraged and motivated the Creve Coeur and Olivette business communities to enhance, promote and sustain the quality of life and economic climate of both communities, and

Whereas under her leadership the Chamber has worked with the City of Creve Coeur and Missouri State Highway Department for improvements to the I-270/Olive Boulevard Interchange, and

Whereas under her leadership the Chamber, in partnership with the City of Olivette, established that city's first Economic Development Council, jointly-funded by the Chamber and City, and

Whereas her leadership the Chamber established a partnership of governments and business organizations for expansion of MetroLink, and

Whereas for her outstanding contribution to the Creve Coeur-Olivette Chamber of Commerce she was awarded the prestigious Outstanding Businessperson of the Year Award in 1991, and

Whereas she has been recognized for her community service by the University of Missouri-St. Louis, as Volunteer of the Year, and

Whereas she received the President "C" Flag Award for producing and coordinating the "Teen Talent Showcase", and

Whereas she was recipient of the Arthur W. Page Award for Exceptional Performance in



Public Relations for her "Information for the Disabled" Program, a Bell System Award, and

Whereas she has demonstrated unselfish commitment of time and effort through volunteer leadership positions, active participation and support of many charitable, civic and business organizations, and

Whereas she has been an inspiration to us all, and

Therefore be it resolved that Joan Berkman, be honored by the membership of the Creve Coeur-Olivette Chamber of Commerce for her service as the 1996 President of the Creve Coeur-Olivette Chamber of Commerce.

Mr. Speaker, I join the Chamber and the St. Louis business community in honoring Ms. Berkman for her continuing service to our community. Her efforts are an inspiration to us all.

#### TRIBUTE TO THE WILFANDEL CLUB

**HON. JULIAN C. DIXON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. DIXON. Mr. Speaker, I rise today to salute the Wilfandel Club of Los Angeles, CA, on the occasion of more than 50 years of service to the Los Angeles community. Nearly 3 months into its 52d year, the Wilfandel Club is as strong today as it was more than five decades ago when it organized with a credo of promoting civic betterment, philanthropic endeavors, and general culture.

Founded on November 4, 1945, the Wilfandel Club took its name by combining the names of its primary founders, Mrs. Della Williams, wife of the renowned Los Angeles architect Paul Williams, and Mrs. Fannie Williams, a noted community leader. Though recognized by many in the Los Angeles community for their activism and commitment to social progress, Della and Fannie could not penetrate the barrier of racism which existed through out America—a barrier which excluded them and their fellow African-American sisters and brothers from most of Los Angeles' large hotels and public facilities.

Undeterred, Della Williams and Fannie Williams, joined by a small cadre of like-minded African-American women determined that they would marshal forces to raise capital to purchase and renovate their very own clubhouse. With the help and support of 50 members, the women set course to do just that, purchasing property in the West Adams district of Los Angeles.

The Wilfandel Club rapidly garnered a reputation as the place to hold farewell parties for the young African-American men who went off to fight America's wars, or for the sons and daughters who were leaving to attend college. Over the years, the Wilfandel Club has been one of the primary venues for thousands of wedding ceremonies, numerous community meetings and forums, teas, showers, art exhibits, and dinners.

The club has established a rich legacy of giving back to the community. Honoring founding member's commitment to service, Wilfandel Club members have hosted and/or

otherwise participated in numerous activities benefiting Community Health Week, Negro History Week, Los Angeles Beautiful, the Woman of the Year Program, Sojourner Truth, Negro Business and Professional Women, Women's Division—Los Angeles Chamber of Commerce, and the Watts Tower Art Center.

Wilfandel members also have raised thousands of dollars to support the American Cancer Society, the Exceptional Children's Foundation, the Foundation for the Junior Blind, as well as the National Association for the Advancement of Colored People [NAACP].

Today, Wilfandel Club members total more than 60 African-American women, all of whom share a vision and commitment to the goal of enhancing and strengthening the image of African-American women in our society, and in promoting peace, happiness, and personal growth for black women everywhere. For its contributions to the community, the club is the recipient of the Community Service Award, presented by the California State Attorney General.

Mr. Speaker, I am proud to have this occasion to salute the Wilfandel Club as it enters its 52d year of service as an outstanding African-American women's organization. From humble beginnings, its members have shepherded the club to an enviable place in the Los Angeles community, as an exemplary organization dedicated to service and empowerment. The Wilfandel Club continues to live up to the legacy envisioned by its founders. I am pleased to commend club members on their record of service to the community, and ask that you join me in extending our best wishes for at least 50 more years of outstanding service.

#### TRIBUTE TO MR. FRANKS OF NEW JERSEY

**HON. DAN SCHAEFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I rise today to thank the gentleman from New Jersey [Mr. FRANKS] for all his hard work and effort to help us pass a balanced budget amendment to the U.S. Constitution. During the 104th Congress, the Schaefer-Stenholm balanced budget amendment passed the House by a vote of 300 to 132. This was due, in no small part, to the diligent efforts of Mr. FRANKS.

This year, as we prepared to introduce House Joint Resolution 1, Mr. FRANKS' name was inadvertently left off the list of original co-sponsors. I regret this error.

Mr. FRANKS is a fiscal conservative and an important member of the House Budget Committee who has led the effort to balance the Federal budget. I look forward to working with him again as we prepare to vote on a balanced budget amendment to the Constitution.

#### TRIBUTE TO DANIEL C. LAFFERTY

**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Daniel C. Lafferty, who is being honored this evening for his 18 years of service as the director and health officer of the Macomb County Health Department. It will be my pleasure to enter this statement into the official CONGRESSIONAL RECORD in February when the 105th Congress convenes.

Mr. Lafferty has been a public health leader in the State of Michigan for many years. He has implemented several community-based health programs that have received local, State, and national recognition. As a dedicated and responsive public health advocate, Dan appreciates the need for cooperation and collaboration in order to address community health concerns and problems. Over the years he has worked closely with hospitals in his communities to improve the quality of health care for all county residents.

For the past 18 years, the citizens of Macomb County knew they could always count on Dan Lafferty to perform his responsibilities with professionalism and competence. To serve the public more ably, he has taken numerous important leadership positions. Dan has been active in the Michigan Association for Local Public Health, serving 2 terms as president and 12 years on the Executive Council. Additionally, he has served on Blue Ribbon health committees under 3 separate Governors and has chaired a variety of State and local health and community planning committees. I applaud his efforts to make Macomb County a better place to live.

I am pleased to pay tribute to Dan for all his fine work in making Macomb County a healthier community. As family and friends and associates gather tonight to honor him, I am proud to join in saluting Daniel Lafferty.

#### TRIBUTE TO WALTER FRANCHUK

**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Walt Franchuk, a former trustee in Lenox Township and friend. After 30 years of devoted service to the people of Macomb County, Mr. Franchuk has decided to retire. It will be my pleasure to enter this statement into the official CONGRESSIONAL RECORD in February when the 105th Congress convenes.

For three decades, the residents knew they could count on Walt Franchuk to perform his responsibilities with professionalism and competence. One of New Haven's elder statesmen, he served 10 years as the supervisor of Lenox Township. He was elected in 1962 to the County Board of Commissioners, and also served as chairman in 1985 and 1986. Mr. Franchuk sampled retirement after departing the board in 1988, but it was short-lived. He was elected as a trustee in Lenox Township in 1992.

On November 6, 1996, he announced his retirement from his long career in politics. He finished where he started—as a member of the Lenox Township Board. He and his wife, Freda, will no doubt enjoy this time as they spend their retirement visiting with family.

After 30 years of public service, I thank him for his efforts and commend him for his work. I am sure that many folks will miss Walt Franchuk and he deserves all the best in the future. I ask that my colleagues join me in offering sincere congratulations to him and his family on the event of his retirement.

#### A TRIBUTE TO CAPT. RICHARD "DICK" TRACY ON HIS RETIREMENT FROM LAW ENFORCEMENT

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding police officer on his retirement after more than 40 years in law enforcement—Capt. Richard Tracy, the real Dick Tracy.

Captain Tracy, a Chicago native and resident of Garfield Ridge neighborhood in my district, has spent four decades at virtually every level of law enforcement, starting as a Parole Officer walking the beat with the Chicago Police Department in 1956. He worked his way up through the ranks and various assignments, including narcotics and burglary investigations, as well as a stint as an investigator with the Cook County State's attorney. Captain Tracy made sergeant in 1962, serving as a patrol supervisor and an instructor in the training division.

In 1967, he went from the big city to a small town, taking the position of Chief of Police in Pottstown, PA, where he supervised a force of 36 sworn officers. After 5 years in Pottstown, Captain Tracy became Director of Regional Police of Mid-Monongahela Council of Governments, an experiment in multicommunity law enforcement funded by the U.S. Law Enforcement Administration.

In 1975, he returned to Chicago as a patrol sergeant, who was soon promoted to lieutenant and, in 1987, made captain, serving as a Watch Commander and Commanding Officer of the Graphics Arts section.

Mr. Speaker, I would like to salute Captain Richard, "Dick," Tracy for his dedication and fine service to law enforcement and best wishes.

#### "POPULATION STILL MATTERS"

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mrs. MORELLA. Mr. Speaker, the first foreign policy vote of the 105th Congress may well take place in the first week of February. This vote will determine the rate of expenditure of appropriated funds for international population assistance. It will have a significant

impact on the quality of life for men, women, and children all over the world. I place in the CONGRESSIONAL RECORD for the consideration of my colleagues an editorial from the Baltimore Sun that appeared Saturday, January 18, 1997.

#### POPULATION STILL MATTERS

Recent reports indicate that world population growth has slowed, and that is good news. But with the number of women of childbearing age increasing by 24 million each year, there needs to be a similar increase in the availability of voluntary family planning programs to maintain the slower rates of growth.

Unfortunately, Congress has put restrictions on U.S. aid to voluntary family planning programs, including unconscionable delays in releasing the funds. Next month, after President Clinton certifies that the funding delays are "having a negative impact on the proper functioning" of the programs, both Houses of Congress will have a chance to approve the finding. If they do, family planning aid can begin flowing again March 1, rather than waiting until July.

Congressional votes on family planning often get tangled up with abortion. But these votes, having to do only with the timing of the release of funds already appropriated, provide a clean vote on support for voluntary family planning. They have nothing to do with abortion.

Population growth in itself is not a bad thing. But without rises in incomes and purchasing power in the developing countries where most of this increase occurs, continued growth in the world economy could be threatened. And as population puts pressures on land, firewood and other rural resources, poor people flock to cities, creating even more stress on fragile water, sanitary and social service infrastructures. In developing countries, cities usually grow twice as fast as the population as a whole. Anyone familiar with Mexico City, Manila or any other megalopolis knows what that can do to the quality of life in urban areas.

But the strongest argument for family planning aid is the beneficial effect it has on the health of mothers and their children. Voluntary programs often provide the only reproductive health care available to women in developing countries.

By spacing their children two years apart, these women are able to increase the chances that their infants will survive, while helping them preserve their own health. About 600,000 women die in childbirth every year, leaving millions of orphans. And each year some 15 million pregnant women are left with debilitating injuries, infections or other complications. That is too heavy a toll to sacrifice to ideological posturing to please domestic constituencies.

#### PROFESSIONAL SERVICE TRADE CORPS ACT OF 1997

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Ms. KAPTUR. Mr. Speaker, one key reform essential to assure strong economic growth in our U.S. marketplace as well as to reduce the chronic U.S. trade deficit, is to upgrade the skill level of our U.S. trade negotiators. America must move our products into foreign mar-

kets, and assure that our trade negotiators are trustworthy.

The bill, the Professional Trade Service Corps, would achieve these goals by creating an accomplished professional body of American trade negotiators. Just like diplomats in our Foreign Service, our trade representatives are America's conveyors of our Nation's economic and political interests.

Specifically, the act authorizes the creation of the Professional Trade Service Corps to fill key trade positions in the six Federal agencies with major trade-related functions or offices. It will insure better coordination and continuity of service among the Office of the United States Trade Representative, the State Department, the Commerce Department, the Agriculture Department, the Labor Department, and the Treasury Department in their trade-related functions.

We would not allow graduates of West Point to lead foreign armies against our country. We should not allow trade negotiators trained at taxpayer expense to leave Government service and represent foreign interests against the best interests of our Government. We must treat this situation as seriously as any international proceeding.

There is a revolving door at the highest levels of government service that foreign interests use to manipulate our trade policies and destroy U.S. industries and jobs. This bill will go a long way to establishing standards to remedy this egregious problem.

The Professional Trade Service Corps Act will create a cadre of career trade professionals similar to the Foreign Service, identify key trade-related positions, and staff these positions with broadly trained experts in this highly specialized area. Just as importantly, it establishes a career path for continued government service and advancement, encourages continuity of staffing with the carrot of incentives, and the stick of postemployment restrictions.

This corps of trade professionals will be constituted of applicants chosen through a rigorous selection process. They will be carefully trained to establish a high level of excellence in these key trade positions.

To meet these objectives, this act establishes a Trade Service Corps Institute to provide specialized training which will include: the history of U.S. trade negotiations; trade negotiating strategies; the economics and politics of trade; the cultural and business practices of countries with which the United States has significant trade relations; foreign language instruction; and instruction in the operations within and the interrelationships among the various trade-related agencies.

This act will require the Professional Trade Service Corps members to remain in government service for a period of time at least three times the length of their training, and subject them, as well as the legislative branch, to postemployment restrictions in their representation of foreign interests in trade-related matters.

It is time to stop the revolving door which threatens our trade interests and jobs. This bill is an important step in that direction. The Professional Trade Service Corps Act presents a comprehensive strategy for improving the quality and integrity of our trade negotiators.



We must protect our economic and trade interests; to do otherwise is to compromise our national security.

Mr. Speaker, I urge the support of all of my distinguished colleagues and ask that they join me in cosponsoring the Professional Trade Services Corps Act of 1997.

#### INTRODUCTION OF HEALTHY START ACT OF 1997

#### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. STARK. Mr. Speaker, today, I am introducing a variation of a bill proposed in the last Congress by our colleague, Representative Sam Gibbons of Florida, to provide universal health insurance for all American children and their mothers during pregnancy. The bill, entitled the Healthy Start Act of 1997, will end the national disgrace of 10 million uninsured children under age 18 and American women going through pregnancy without health insurance and without adequate prenatal care.

The bill is an investment in the future: healthier mothers and their children will mean a better American work force and economy. This bill has a price tag—but it has a pay-out that is beyond calculation in dollars and in a better quality of life.

The bill would ensure that every child in America up to age 18 and every pregnant woman would have health insurance roughly equivalent to the Medicare package of benefits, enhanced with pregnancy, well-baby, well-child and EPSDT benefits.

The bill is very, very simple: If a family does not have this package of insurance through the private market or the workplace, they would be required to buy it. If they are below the poverty level, they would owe nothing. Above the poverty level, they would buy it on a sliding scale basis, with premiums paid through the tax system.

The bill is a form of individual mandate: each parent is responsible for doing the right thing by their kids—and the Government's role is to make it affordable.

We have business alone.

We allow people to buy private policies as an alternative.

We maintain freedom of choice.

We don't disrupt families who already have insurance and are happy with their policies.

The need for this type of legislation is eloquently described in Representative Gibbons introductory remarks, and I refer readers to page E1252 of the July 11, 1996, CONGRESSIONAL RECORD. The only difference between this bill and the original Gibbons bill is that my bill covers all children up to age 18, rather than age 13, and adds the EPSDT benefits as part of the required coverage for children.

I am also introducing today a bill for a refundable, phased-out tax credit to help parents buy a kids-only health insurance policy. Frankly, I think the universal insurance bill that I've described in this speech is the ideal approach. It is a model of what a civilized nation ought to provide for its people. It is the platonic ideal of a bill—and it is also unlikely to pass in this

Congress. The perfect should not be the enemy of the good, and therefore I am also proposing the tax credit legislation as a way to help children which is passable in the 105th Congress.

I remain firm in the faith that when our Nation's social conscience reawakes, the type of social insurance universal coverage bill I've described in this speech will become the law of the land.

#### SOCIAL SECURITY PRIVATIZATION—A RED HERRING

#### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. DINGELL. Mr. Speaker, I rise today to share with you the following article from the January 14, 1997, business section of the Washington Post. Written by Allan Sloan, this article accurately highlights some of the pitfalls with Social Security privatization. The golden goose, which some regard the stock market to be, may, in fact, be a red herring. Mr. Speaker, I ask that the above-referenced newspaper article be printed in the RECORD at this point.

#### IN STOCKS AND SOCIAL SECURITY, A FREE LUNCH IS PURE FANTASY

If you're so worried about Social Security that you stay awake nights, cheer up. A solution is at hand. To ensure a good night's slumber, sit down at bedtime with the report issued last week by the Advisory Council on Social Security. This 752-page, two-volume opus is so complicated, technical and jargon-laden that it makes your average computer instruction manual look like a comic book.

By now, you're probably over-familiar with the details. The council, formed in 1994, was expected to propose rescuing Social Security by raising taxes and trimming benefits. Surprise! Instead of relying on this traditional but painful fix, the council proposed to "reform" the system's retirement and disability programs by betting trillions of dollars on stocks. That's trillions, with a "t."

Talk about the temptations of a bull market. Rather than bite the bullet on Social Security, we can all chow down on a free lunch. Stock market profits will keep baby boomers fat and happy in retirement; Generation X's taxes won't go through the roof to make the boomers' golden years glorious.

But you know what? It's all fantasy. Lots of Americans favor putting some of the funds into stocks. But if we're silly enough to try it, it won't work. Let's back up a bit before explaining why.

The free lunch proposed by the council comes in three varieties, because the members couldn't agree on the most appetizing dish. The first would make the federal government the world's biggest stockholder. The second would establish a new 1.6 percent tax on Social Security-covered wages and require people to invest the money in one of a half dozen or so government-sponsored funds. The third would require people to save 5 percent of Social Security wages in accounts holding any kind of publicly traded securities they wish, would have Uncle Sam borrow as much as \$7 trillion to pay benefits to make up for the money that would be invested rather than redistributed to retirees, and would finance it all with a 1.52 percent tax on top of the existing 12.4 percent tax.

Let's concentrate on the idea of putting the Social Security fund in stocks, which seems more likely to be taken seriously in Washington than the forced-savings approaches.

What all three plans have in common is that they would throw us willy-nilly into a high-stakes game of retirement roulette, betting the nation's financial future (or the futures of millions of individual retirees) on the stock market. The council didn't start out to do this. Initially its members tried to agree on a cuts-and-taxes fix. But some members feared that sharp tax increases and benefit cutbacks would erode Social Security's political base by making people think the program is a lousy investment.

How did the council's biggest faction—6 of 13 members—decide to put 40 percent of the Social Security fund in stocks? "That's the amount that makes things come out," says panel member Robert Ball, the former Social Security commissioner who's pushing this plan hard.

Ball says it's perfectly safe for Social Security to have its money in the hundreds (or thousands) of stocks that make up an index such as the Standard & Poor's 500 or the Russell 3000. Why does Ball say that's safe? Because unlike individual investors, the government won't panic during downturns or be forced to liquidate its holdings at low prices to generate cash.

Unfortunately, he's wrong. The Treasury would in fact find itself a few trillion dollars in the hole if stocks merely rose at a rate lower than the council projects.

Here's the problem. In a triumph of statistic over common sense, the council's plans all assume that stock prices will rise more quickly than they have in the past. A dubious prospect, considering that stock prices already are at such nosebleed-high levels that even many bulls have gotten nervous stomachs.

Anyone who has studied financial history, even a little, gets very nervous when people confidently predict what stock prices will be in 75 years. Betting that stock prices will keep rising rapidly because they have been rising rapidly "is like the guys on Noah's ark projecting six more weeks of rain on the 39th day," says Joseph Rosenberg, chief investment strategist at Loews Corp. and one of Wall Street's most respected investors. "You can't believe how dumb a government can be."

Rosenberg points out that stocks don't necessarily spring back quickly from deep drops the way they did after the 1987 market crash. Stocks didn't regain their 1929 highs until 1954, Rosenberg notes, and it took almost 10 years for stocks to match the highs they reached in 1973.

But even absent a 1929 or 1973 disaster, stocks aren't likely to make the money the council projects.

Here's why. Combining several different assumptions, the council projects that inflation will be 4 percent a year, bonds will yield 2.3 percentage points more than inflation and stocks will produce 7 percent more. That works out to 6.39 percent for bonds and 11.28 percent for stocks, says Stephen Goss, deputy chief actuary of the Social Security Administration. The stock number includes capital gains and reinvested dividends.

Now, 11.28 percent a year may not strike you as a big hurdle, given that stocks earned three times 11.28 in 1995 and twice as much last year. But it's a huge number. Consider Corporate America's expectations of the market. Greenwich Associates, a consulting firm, says the corporate pension managers it

surveyed expect stocks to average 9.6 percent annually for the next five years.

Maybe my harping on the 11.28 percent projected return for stocks is wasting your time. But look what happens when numbers differ by small amounts over decades. Let's compare the 11.28 percent a year the council projects with the 10.71 percent a year that Ibbotson Associates says stocks earned from 1926 through 1996, a 71-year period.

Do the math—don't try it without a compounding calculator—and you see that \$1 invested in 1926 had become \$1,372 by last Dec. 31. But if stocks had earned the council's projected 11.28 percent, our dollar would have grown to \$1,975. A big difference, eh? It means that if stocks rise for the next 71 years at the Ibbotson rate instead of the council's rate, Social Security's stock portfolio would be worth 30 percent less than the council projects.

What terrifies me and many Wall Street types is the prospect of the government pounding into the stock market running prices to the moon with automatic buying, and then having the market crash on us for some reason that we can't yet foresee.

It's one thing for someone like me, who makes a very good living, to bet on the stock market. I can afford to lose. But betting the federal budget on stocks is madness. And forcing millions of people who don't know stocks from smocks to let the market determine whether their retirement dinners will consist of cat food or caviar doesn't seem like the way we should treat people. If we're going to fix Social Security, let's do the boring, painful things that we know will work. And let's try to remember the prime rule of economics. There ain't no such thing as a free lunch.

#### TRIBUTE TO ROBERTA STANLEY

#### HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. KENNEDY of Massachusetts. Mr. Speaker, one of the pleasures of serving this body, is the opportunity to recognize outstanding individuals from across the Nation. It is with great pride that I rise to congratulate Mrs. Roberta Stanley of Waltham, MA, who will be honored today by the Waltham and Greater Boston Business and Professional Women's Club.

I have had the privilege of knowing Roberta Stanley for many years and can attest to her outstanding community activism. She has distinguished herself through her exceptional commitment to helping those in need. In addition, her dynamic leadership and participation in public service, such as serving as a member of the Democratic city committees, has made the city of Waltham a better place to live.

Mr. Speaker, I am sure that I speak for everyone who has either worked with Roberta or benefited from her work when I offer my warmest congratulations and best wishes on this special day as she is honored for the many contributions she has made to the community.

#### INTRODUCTION OF LEGISLATION TO CLARIFY THAT FREQUENT Flier MILEAGE IS NOT TAXABLE

#### HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation to clarify that frequent flier mileage is not taxable. I believe that frequent flier miles are not taxable under current law. However, in light of the Internal Revenue Service's position in technical advice memorandum 9547001 and despite the fact that technical advice memoranda only apply to a given taxpayer and set of circumstances, I feel a clarification is necessary.

The technical advice memorandum would require employers that permit employees to use frequent flier miles for personal trips to report as income on workers' W-2 forms the full cost of plane tickets that led to the accumulation of the frequent flier miles. This simply makes no sense.

This is one of those areas where taxation would raise a myriad of questions for which there is no single correct answer, such as appropriate timing—would miles be taxed when earned or when used; valuation—is a mile earned from a credit card equal to a mile earned by flying a particular airline—what is the correct value of a ticket or a free upgrade in light of the fact that any given flight has a myriad of service classes; segregation—do employees have to try and keep track of which miles were earned for personal travel, which miles were earned for business travel, and which miles are earned from using a credit card, or using a particular long-distance carrier? Taxation of frequent flier miles would only result in mindless complication and paperwork of nightmarish proportions for millions of Americans, the airlines and the Internal Revenue Service. And the Service should realize this.

At a time when over 15 million Americans are enrolled in frequent flier programs and suspicion that the Internal Revenue Code is not fair and needlessly complex is at an all time high, it would be sheer folly for the Service to move in this area. They have opened, closed, and reopened several projects to address the tax treatment of frequent flier miles over the years, all to no avail.

I believe that frequent flier miles are not taxable under current law and should remain that way. My bill would simply explicitly say that frequent flier miles are not taxable. I urge my colleagues' support.

#### A POINT-OF-LIGHT FOR ALL AMERICANS: SHIRLEY URSULA GRABER

#### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. OWENS. Mr. Speaker, I rise to honor the memory of Shirley Ursula Graber, an indi-

vidual who was a committed fighter for racial and gender equality, and social and economic justice. As a social architect, community leader, teacher, and trusted confidant, she harbored a great faith in people, believing that everyone was capable of growth. During her journey in this world, Ms. Graber's unwavering activism influenced many—young and old—to become catalysts of change. Ms. Shirley Ursula Graber is a great Point-of-Light whose citizenship, passion, and accomplishments should be saluted as a source of inspiration for all Americans.

From her college days to age 72 when she succumbed to a grave illness, Shirley Graber's principles were placed strategically into action. She was copresident of Brooklyn NOW—National Organization for Women—and executive board member of Brooklyn OWL—Older Women's League. At Brooklyn NOW, she led just a handful of dedicated women to prevent the dissolution of the chapter in the early 1990's. Consequently, the chapter was brought to new heights of activism and political awareness, and is now 350 members strong with a solid core of active advocates. At Brooklyn OWL, Ms. Graber influenced the focus and success of the 250-member chapter in its advocacy of issues especially significant to women in their golden years.

Shirley Graber always recognized and attacked any person, effort or idea that threatened the social condition of women. She spearheaded the formation and served as Chair of the Coalition to Save the Brooklyn College Women's Center. This union of women's organizations in Brooklyn fought to save the oldest women's center in New York State that had been threatened with extinction by budget cuts.

Ms. Graber thoroughly appreciated the historical transformation of women's rights in America. She was dedicated to completing this transformation and furthering such rights. For example, Ms. Graber possessed a fervent core belief in the need for an equal rights amendment to the U.S. Constitution. In honor of her ideas and endeavors, she received the New York State NOW Woman to Woman Award. A plaque in her honor is also scheduled for installation in the Women's Hall of Fame at Seneca Falls, NY—the birthplace of the U.S. women's suffrage movement.

Shirley Graber was the daughter of a steel mill union organizer and a strong-minded mother, who in her 90's is still an outspoken community and women's rights advocate. A resident of Brooklyn, NY, Ms. Graber was born in Cleveland, OH and moved to New York in 1948 to attend graduate school. She first attended Ursuline College in Ohio, the first member of her family to obtain a postsecondary education.

As evidenced in her life activities, it is difficult to determine where Ms. Graber's professional, civic, and personal life began and ended. The fervor and skill with which she carried out her work as teacher, organizer, and counselor were inextricably connected to her larger goals of equality and justice for all. Consistently, she not only uplifted her community and her gender, but she improved the quality of life for everyone. A consummate team player, pillar of support, and unifying force behind numerous noteworthy efforts, Shirley Ursula



Graber is a great Point-of-Light for all the children, women, and men of America.

## REMEMBERING JIM RICE

### HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. SABO. Mr. Speaker, today, I rise to pay tribute to the life of Jim Rice, a friend and fellow Minnesotan who so skillfully served his State and his community as a member of the Minnesota State Legislature for 26 years. Jim died unexpectedly in October at age 71. But it is not his death that I, his family, and his north Minneapolis community will remember most—rather it is his life and the colorful force of his personality.

Jim Rice was often described as one of the last few characters to inhabit the Minnesota House. It's been said he could "strip the bark off a debating opponent with verbal broadsides that used everything from Shakespeare to quotations of bar-stool philosophers on Minneapolis' north side."

I served with Jim in the Minnesota Legislature before coming to Congress, and I got to see him in action. He was not only a forceful orator on the House floor, but also a skilled legislator with a deep concern for working families, the poor, the arts, and the preservation of the rich history of north Minneapolis neighborhoods.

Prior to serving in the legislature, Jim served as a Hennepin County Parks Commissioner, and before that as executive secretary to former Minnesota Gov. Karl Rolvaag. Earlier, he served in the infantry in World War II. Jim and his wife Jill made time to lovingly raise 8 children, and later to spend time with their 11 grandchildren.

I will close by including a letter Jim wrote to congratulate his grandson, John Conor Creber, for learning to read. It is a memento the family cherishes, and a vivid example of Jim's passion for learning. It shows the type of man Jim Rice was:

DEAR JOHN CONOR:

When your pretty mama told Grandma Jilly that you had learned to read the other night I wanted to get on the phone right then to tell you how wonderful that news was to me. It was so wonderful that I decided that writing to you would be much better.

With your hard work you have developed a gift or talent that is greater than almost anything that will ever happen to you. Your ability to read is better than any toy in the world; it will never break. It is better than your sports equipment; it will never wear out. It will never get lost or go away from you; it will grow and grow all the days of your life.

It will be your best friend. It will help you to love other people and they will love you. It will help you to help other people and they will help you.

It works like this; when you don't know something, you get a book or a map or a pamphlet and you learn about it. You don't ever have to be afraid or ashamed to say, "I don't know," because you will be able to read about it the first chance you get.

You will make more and better friends; everyone likes a person who has read many

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books and articles because that person is a delight with whom to be.

Your reading will make you laugh and cry. It will make you happy and sad. It will teach you about the whole world and all the people in the world.

You have always been one of the nicest boys I have ever known. Now, you have the ability to give brightness to everyone.

We are all very proud of you and thank you for your hard work.

With Love,

GRANDPA.

Mr. Speaker, Jim Rice will be missed, but not forgotten.

## INTRODUCTION OF THE COMMODITY EXCHANGE ACT AMENDMENTS OF 1997

### HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. EWING. Mr. Speaker, today I am re-introducing legislation to reform the Commodity Exchange Act [CEAct] which governs the regulation of futures and options on U.S. commodity exchanges and other risk management financial instruments that are traded in over-the-counter markets.

This legislation is identical to H.R. 4276 introduced in the 104th Congress. Briefly, the legislation provides a conditional exemption for certain transactions involving professional markets, clarifies the effect of the designation of a board of trade as a contract market, simplifies the process for submission and disapproval of contract market rules, regulates audit trail requirements, establishes cost-benefit analysis requirements, repeals the Commodity Futures Trading Commission's deficiency order authority, and clarifies the impact of the section 2(a)(1)(A)(ii) of the CEAct commonly known as the Treasury amendment.

The purpose of the legislation is to assure the competitiveness of the U.S. futures industry, to preserve the vitality of price discovery and hedging functions of the futures markets and to recognize the impact of technology on our markets. The legislation I am introducing today is designed to serve as a discussion document as the House Agriculture Committee prepares to debate the many issues involved in reform of the CEAct.

In an effort to further discussion, the committee has requested comment from industry representatives directly and indirectly impacted by the CEAct including producer groups, self-regulating organizations, exchanges, the Commodity Futures Trading Commission, and the U.S. Department of Agriculture. I look forward to working with interested entities in the industry and with my colleagues on both sides of the aisle as we proceed with this necessary reform.

*February 4, 1997*

## TRIBUTE TO THE MINNESOTA VETERINARY MEDICAL ASSOCIATION ON ITS 100TH ANNIVERSARY

### HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to the members of the Minnesota Veterinary Medical Association and its members' 100 years of faithful service to Minnesotans.

Over the years, the members of the association have provided exceptional animal health care, food safety, and public health services through the adherence to the highest professional standards of veterinary medicine.

The association was founded in 1897 by 13 veterinarians to further cultivate the science and art of comparative medicine and to promote livestock production as a branch of the agricultural industry. They also worked to protect high educational and ethical standards within their profession and to promote educational opportunities for the veterinarians of Minnesota.

Mr. Speaker, the veterinarians of Minnesota have been a crucial health care provider for the animal population in my State for the last 100 years—making consumers, pets, their owners, and the rural economy of our State a healthier place. I wholeheartedly applaud the 1,400 current members of the association for their dedication and service to the people of Minnesota.

## TRIBUTE TO LIA B. BOWLER

### HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. TALENT. Mr. Speaker, I rise today to honor the outstanding accomplishments of 2d Lt. Lia B. Bowler. In December, Ms. Bowler successfully completed Marine Corps Officer Candidate School. In the fine tradition of the corps, she persevered through the rigors of the training and was accepted into the elite group of Americans that serve our country as officers in the Marine Corps.

Yet, Mr. Speaker, I rise today not only to congratulate Ms. Bowler on her commission, but also to recognize her outstanding work for the Second Congressional District of Missouri. We had the honor of her service first as an intern and later as our system administrator. In the almost 2 years she worked in the Washington office, she exhibited a dedication, diligence, and professionalism which were highly valued by everyone who worked with her. Although her loss to the Marine Corps will be felt by our office, it will be a gain for the Marines. Therefore, it is with great confidence that I can say her service as an officer will be in the highest traditions of the corps.

February 4, 1997

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### INTRODUCTION OF LEGISLATION TO CORRECT MEDICARE BENEFICIARY OVERCHARGES IN HOSPITAL OUTPATIENT DEPARTMENTS

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. STARK. Mr. Speaker, I am today introducing with Representative WILLIAM COYNE a bill to correct a glaring failure in the Medicare program—the massive over-charging of beneficiaries in hospital outpatient departments [HOPD's].

This bill will save Medicare disabled and senior beneficiaries about \$35.7 billion between 1999 and 2003. It will stop the steady, upward climb in the percentage of HOPD costs that beneficiaries have to pay. Usually beneficiaries pay 20 percent of a set fee schedule for part B services. The way the HOPD law was drafted, however, has caused the beneficiary share of HOPD costs to climb to about 45 percent of outpatient department revenues. If the law is not corrected, seniors will pay an ever-increasing percentage.

Our bill will stop the rise in the beneficiaries' effective percentage payment and return it to the 20 percent that Medicare beneficiaries were promised. There are reports that the President's Medicare budget proposal will include a correction of the HOPD problem, but over a 10-year period. The President is to be congratulated for finally addressing this issue. We believe it should be done more quickly, and would like to work with interested parties to find the best way to pay for this program improvement at the same time we are making other savings to extend the life of the Medicare part A trust fund.

The HOPD problem is a serious one, with no easy solutions. In 1995, the Secretary of HHS presented a lengthy report to Congress that discussed a number of possible solutions—see attachment No. 1. We have adopted the basic ideas from that report and establish an HOPD prospective payment system and a correction of what is known as the formula-driven overpayment [FDO].

How did this problem arise? Hospital outpatient departments do all kinds of things like tests, x rays, and surgeries that the Secretary of HHS has determined can be safely done in an outpatient setting. HOPD services are paid under Part B. The key to the problem lies in the fact that Medicare pays HOPD's on a reasonable cost basis and not based on a prospective payment system [PPS] or fee system. Since costs are determined retroactively, the hospitals get paid retroactively by Medicare, but bill the patient at the time of service. At the time the patient gets the service and leaves the HOPD, we are unable to say for sure what the patient's 20 percent copayment is, since there is no set schedule of fees. As a result, the system was established in such a way that coinsurance is calculated based on charges at time of service. The charges, of course, may have little or no relation to costs and have crept up over time relative to what Medicare ends up actually paying for the cost of the service. So instead of paying 20 percent

of a set and known fee, the seniors and disabled are paying 20 percent of charges. In 1996, this has become the equivalent of about 45 percent of the total payment to the hospital, Medicare plus coinsurance.

There is often a complication in the payment system I've just described for certain types of services provided in HOPD's, which results in what is called a formula-driven overpayment. If the surgery done in the HOPD is one that could have been done in an ambulatory surgery center and ASC's do about 2,700 different kinds of procedures, so there is a lot of overlap, then the amount of the Medicare payment is calculated differently. The payment calculation is also determined differently for radiology and diagnostic services performed in hospital OPD's compared to other services. For these services, the payment is either the lower of: One, reasonable cost as I've described in the previous paragraph, or two; a blended amount that is based partially on the reasonable cost in No. 1 and partially on either the ASC payment rate, for surgical services, or the physician fee schedule, for diagnostic and radiology services.

Because of a drafting error in the payment formula, however, Medicare payments for the services paid on the basis of the blended amount are higher than they should be. This is because the computation of the Medicare payment is done in such a way that it is not reduced by the full amount of the actual coinsurance paid by the beneficiary. In contrast, for OPD services other than surgery, radiology, and diagnostic, every dollar a beneficiary pays in coinsurance results in a decrease of \$1 in what Medicare pays. As a result of this erroneous payment formula, Medicare payments are higher than intended. Furthermore, hospitals have an incentive to increase their charges because they will receive more from Medicare. This bill would correct this formula-driven overpayment. Attachment No. 2 explains the math in a specific example that makes the problem clearer than my words can describe.

We will be submitting a detailed explanation of how this bill will work to restore the proper balance between hospital billings and the obligations of beneficiaries. We hope that this legislation can be enacted soon, before the burden on seniors and the disabled becomes even more unfair.

THE SECRETARY OF HEALTH  
AND HUMAN SERVICES.

Washington, DC, March 17, 1995.

HON. ALBERT GORE, JR.,  
President of the Senate, Washington DC.

DEAR MR. PRESIDENT: I am respectfully submitting the report on Medicare hospital outpatient prospective payment as required by section 4151(b)(2) of the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508). This section requires the Secretary of Health and Human Services to develop a proposal to replace the current Medicare payment system for hospital outpatient services with a prospective payment system.

The report presents a phased approach to the establishment of a hospital outpatient prospective payment system. For the first phase, a prospective payment system would be for hospital outpatient surgery, radiology, and other diagnostic procedures. As further research is completed, the payment system could be expanded to cover all hospital outpatient services.

The report discusses an issue with the amount of coinsurance that Medicare beneficiaries pay for outpatient surgery, radiology and other diagnostic procedures. Current law requires that beneficiaries pay 20 percent of submitted charges. However, in the recent past, hospitals' submitted charges have substantially exceeded Medicare's payment for these services, so that most of the time beneficiary coinsurance payments substantially exceed 20 percent of Medicare's payment. If Congress chose to set beneficiary coinsurance at 20 percent of Medicare allowed payments, this act would require a substantial increase in program expenditures and also could affect payments to providers. Even incremental modifications in the coinsurance percentage can have substantial impacts on Medicare program expenditures. Should Congress decide to modify current coinsurance arrangements, the report presents a number of alternatives and displays their costs to the Medicare program.

In addition, the report discusses a related problem with the current payment formula that results in an unintended increase in Medicare payments—the so-called "formula driven overpayment." We believe this result was not intended by Congress. If Congress chooses to address this issue, the correction can be made separately or as part of the implementation of a prospective payment system.

I am also sending a copy of this report to the Speaker of the House of Representatives.

Sincerely,

DONNA E. SHALALA.

Enclosure.

#### FORMULA-DRIVEN OVERPAYMENT TO HOSPITALS

As mentioned in previous sections, there is an anomaly that occurs with Medicare's payment when payment is made under the blended rate for hospital outpatient services. Beneficiaries pay 20 percent of hospital charges as coinsurance on most hospital outpatient services. Generally, every dollar a beneficiary pays in coinsurance results in a corresponding decrease of \$1 in Medicare payment. To illustrate, assume a beneficiary receives a hospital outpatient service for which the Medicare payment is based on the lower of the hospital's reasonable costs or its customary charges. The hospital charges \$1,000 and its costs are \$750. Payment is determined as follows:

Total payment to the hospital .....	\$750
Beneficiary payment (\$1,000×20%) ....	—(200)

Medicare program payment ..... \$550

If the hospital increases its charges, the beneficiary's coinsurance will increase, the Program payment will decrease, but the total amount realized by the hospital will not change.

This is not the case for coinsurance paid for procedures that are paid on the basis of a blended rate. For example, the blend for ASC approved surgical procedures consists of 42 percent of the hospital's costs or charges net of coinsurance, whichever is less, and 58 percent of 80 percent of the ASC payment rates. Because the blend is determined net of the coinsurance that would have been paid to an ASC (20 percent of payment rates), instead of the 20 percent of charges the beneficiary actually paid, Medicare does not get the full benefit of the actual coinsurance when the hospital's charges exceed the ASC payment rates. That is, to the extent that 20 percent of hospital charges exceed 20 percent of the ASC payment rates, Medicare's payment is higher than it should be since the



formula assumes a lower copayment than is actually provided. Medicare does not receive the benefit of 58 percent of the difference between 20 percent of charges and 20 percent of the ASC rate, and the hospital retains the amount. For purposes of this report, this amount is called the formula-driven overpayment.

The following example illustrates how the blended payment method transfers a portion of the benefit of coinsurance away from the Medicare program to the benefit of hospitals. The result is that hospitals receive more payment than intended by statute, while the Medicare program pays more:

Assume a Medicare beneficiary receives an ASC procedure in a hospital outpatient department. The hospital charges \$1,000, its costs for performing the surgery are \$750, and the ASC payment rate for the procedure is \$585. Assume the annual deductible has been met. The beneficiary's coinsurance payment is \$200 (i.e.,  $1,000 \times 20\%$ ). The Medicare program payment is calculated as the lower of:

1. The lower of the hospital's reasonable cost or its customary charges, net of deductible and coinsurance amounts:	
\$750 - \$200 .....	\$550
or	
2. A blended amount comprised of:	
42 percent of the lower of the hospital's costs or charges, net of deductible and coinsurance (see 1 above):	
$42\% \times \$550$ .....	\$231
and	
58 percent of 80 percent of the ASC payment rates, net of deductible:	
$58\% (80\% \times \$585)$ .....	271
Total .....	\$502
The blended amount is the lowest and, therefore, the amount the Medicare program pays. The hospital receives:	
From the Beneficiary .....	\$200
From the Medicare program .....	+502
Total .....	\$702

Medicare payment would be lower if the payment were calculated the way it is for other hospital outpatient services and, instead of removing coinsurance and deductibles at each step of the payment calculation, the total payment is calculated first and then is reduced by the amount the beneficiary actually paid. For example:

Determine the lower of:	
1. The lower of the hospital's reasonable cost (\$750) or its customary charges (\$1,000)	\$750
or	
2. A blend of:	
42 percent of the lower of costs or charges:	
$(42\% \times \$750)$ .....	\$315
and	
58 percent of the ASC payment rate: $(58\% \times \$585)$ .....	+339
Total .....	\$654
Then reduce by beneficiary copayments to arrive at the Medicare program's payment:	
Total Payment .....	\$654
Beneficiary Payment $(20\% \times \$1,000)$ .....	-(200)
Medicare program Payment	\$454

The difference between \$502 and \$454, or \$48, represents the formula-driven overpay-

ment which occurs under the current blended payment formulas.

Moreover, because of the way coinsurance is accounted for under the current blended payment methods, the hospital can further increase its total payment by simply increasing its charges. For example, if the hospital increased its charge to \$1,300 for the procedure, the hospital would still be paid under the blended payment amount but it would receive:

From the Beneficiary $(20\% \times \$1,300)$	\$260
From the Medicare program .....	+477
Total .....	\$737
Program payment would be computed as follows:	
42 percent of the lower of the hospital's cost or charges, net of deductibles and coinsurance:	
$42\% \times (\$750 - \$260)$ .....	\$206
and	
58 percent of 80 percent of the ASC payment rate net of deductible: $58\% (80\% \times \$585)$ .....	\$271
Total .....	\$477

In the first illustration, the hospital charged \$1,000 and received a total payment of \$702. If the hospital merely increases its charges to \$1,300, it will receive \$737. As the example shows, for a hospital that is paid based on the blend, the more it charges, the more its total payment (beneficiary plus Medicare program payment) will be. As a result, the current payment system gives an incentive for hospitals to increase charges. (Note: In order to simplify the examples in this section, the blended payment method is shown as it would apply to an individual procedure. In determining actual payments to hospitals, however, the blended payment calculation is applied in the aggregate to all of the ASC approved procedures a hospital performed during a cost reporting period, not on a procedure-by-procedure basis.)

The same situation exists under the current blended payment methods for hospital outpatient radiology and other diagnostic services. We estimate that the magnitude of the formula-driven overpayment that occurs under the blended payment method to be over \$950 million in Medicare program payments to hospitals in 1993—approximately 14.8 percent of total payments for these services. This total includes \$350 million for ASC approved surgeries and \$600 million for radiology and other diagnostic services, respectively. For surgical procedures, this represents 10.8 percent of total payments to hospitals and 20 percent of Program payments to hospitals for these outpatient services. For radiology, the formula-driven overpayment represents 19 percent of total payments to hospitals and 38.7 percent of Program payments. By FY 2001, we estimate the formula-driven overpayment for surgery, radiology and other diagnostic services to be \$6.7 billion.

We believe that these formula-driven overpayments were not intended by the Congress. If Congress chooses to address this issue, it could be enacted either as a separate change or as part of a prospective payment system for outpatient services. It should be pointed out that, if a prospective payment method for outpatient surgery, radiology and other diagnostic procedures is adopted, this change would automatically occur for those services. Indeed, we recommend that the prospective rates be set so that aggregate payments to hospitals for these services are no higher than current law payments net of the

total amount of the formula-driven overpayment.

## TRIBUTE TO JOHN MOONEY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. LIPINSKI. Mr. Speaker, I pay tribute today to an outstanding individual who represents hundreds of thousands of Americans who participated in the battle that was the beginning of the end of Nazi Germany—the invasion of Normandy.

Mr. Mooney, who served in the 2d Armored Cavalry Division, was part of the wave of brave Allied soldiers that stormed the beaches and cliffs overlooking the English Channel on June 6, 1944. Even after the Allies established a beachhead, it took more than 2 months of fierce fighting before the risk of the Germans reversing the invasion had ended.

During the last 3 years, Mr. Mooney and thousands of his comrades have been honored by the Regional Council of Normandy with the Medaille de Jubile, a decoration commemorating the 50th anniversary of the Battle of Normandy and the beginning of the liberation of Europe.

Mr. Speaker, I would like to remind our fellow members and all freedom loving people in America and the world of the debt of gratitude we owe Mr. Mooney and the heroic soldiers, sailors and airmen whose efforts at Normandy marked the beginning of the end of Nazi tyranny.

## HONORING DR. MENASCHE-LANIADO

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Ms. FURSE. Mr. Speaker, I rise today to recognize a very special woman who provides dental care for Soviet Union students who are participants in the programs created from the Freedom Support Act.

It is an unfortunate reality that these students arrive in our country with staggering dental problems. Dr. Sandra Menasche-Laniado of Portland, OR, has quietly taken it upon herself to provide the vital care that these students require, asking for no monetary compensation.

As an example of her incredible unselfishness, she currently is treating one young lady whose dental treatment will come to the staggering total of \$3,780.

Dr. Menasche-Laniado is truly the essence of one person making a difference. She points the way in demonstrating the virtue of compassion and turning this compassion onto a path of positive, meaningful action. I applaud her work, and I am privileged to have this opportunity to recognize Dr. Menasche-Laniado before this body.

February 4, 1997

CELEBRATING A CENTURY OF  
INTEGRITY

**HON. NITA M. LOWEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mrs. LOWEY. Mr. Speaker, my distinguished colleagues, I rise today to call your attention to an important centennial anniversary that occurred in New York State last month.

On January 28, the New York State Society of Certified Public Accountants celebrated 100 years of distinguished service to the public.

In fact, the society is the oldest State professional accounting association in the Nation.

The founding members established the society to facilitate and support the establishment of the New York State CPA licensing law, the first such law in the United States.

The New York State Society of Certified Public Accountants represents the CPA profession, which was created to maintain the integrity of our Nation's capital markets.

The society has continuously served its members for 100 years by providing educational and professional information to enable them to better serve the public interest. Its code of conduct provides the framework for the highest ethical behavior and professionalism issues to protect the public interest.

The committees of the society have assisted state, local, and Federal regulators and other government groups in the discharge of their oversight of financial reporting, soundness, and integrity.

Please join me in wishing congratulations to the New York State Society of CPA's on its 100th anniversary.

INTRODUCTION OF THE MEDICARE  
HOSPICE BENEFIT AMENDMENTS  
OF 1997

**HON. BENJAMIN L. CARDIN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. CARDIN. Mr. Speaker, I rise today with my colleague, ROB PORTMAN, and more than 50 additional colleagues to introduce the Medicare Hospice Benefit Amendments of 1997. This legislation will make technical changes and clarifications to improve the Medicare hospice benefit. This is a noncontroversial bill that has true bipartisan support and should be included as part of Medicare reform this year.

Hospice care is a vital Medicare benefit. It is a coordinated program of palliative medicine and supportive services provided mainly in the home but also in home-like settings that provides for physical, psychological, social, and spiritual care for dying persons and their families. Services are provided by a medically directed, interdisciplinary team of professionals and volunteers. Hospice recognizes dying as part of the normal process of living and focuses on maintaining the quality of remaining life. Hospice affirms life and neither hastens nor postpones death.

The concept of hospice care emerged in this country in response to the unmet needs of

EXTENSIONS OF REMARKS

dying patients and their families for whom traditional medical care was no longer effective, appropriate, or desired. Hospice has become an effective alternative to there being "nothing else to do." The Nation's hospice programs currently provide compassionate care to more than 390,000 patients and families each year. In 1994, one out of every three people who died from cancer or AIDS were cared for by hospice. Terminally ill Medicare patients who elect hospice opt out of most other Medicare services related to their terminal illness and instead receive all of their care through the hospice program.

Hospice is not only a compassionate and appropriate form of care for terminally ill individuals, it is also cost effective. A 1994 Lewin study comparing the relative cost of hospice care to conventional care for Medicare beneficiaries with cancer, found that for every dollar Medicare spent on hospice patients, it saved \$1.52 in Medicare part A and B expenditures. Based on these findings, the growth and greater utilization of hospice care should be viewed in a positive light and should be encouraged.

The Medicare hospice benefit was adopted by Congress 1982. Since then, more and more Americans have chosen to receive humane and cost-effective hospice care. In recent years, it has become clear that certain technical changes are necessary in the Medicare hospice benefit not only to protect beneficiaries but to ensure that high quality and cost-effective hospice services continue to be available.

The Medicare Hospice Benefit Amendments of 1997, will make six technical changes to the Medicare hospice benefit.

First, the bill restructures the hospice benefit periods. Under current law, the patient's attending physician and the hospice medical director must certify that the patient electing hospice care in lieu of other Medicare services is terminally ill—defined as having a prognosis of 6 months or less to live if the illness runs its normal course. There are four benefit periods, with recertifications of terminal illness by the hospice physician at the beginning of each. The first two periods last 90 days, the third is 30 days, and the fourth is of unlimited duration.

If a beneficiary revokes a hospice election during a benefit period, the remaining days in that period are forfeited. This existing structure is especially troubling for patients who withdraw from hospice during the fourth hospice period because they then forfeit their ability to elect hospice services in the future. Thus, a patient who goes into remission and is no longer eligible for hospice because his or her life expectancy exceeds 6 months, is not able to return to hospice when his or her condition worsens. Our bill would correct this problem by restructuring the benefit periods so that there would be two 90-day periods, followed by an unlimited number of 60-day periods. This would also result in more frequent re-evaluation of patients who outlive their original prognosis.

Second, our bill clarifies that additional Medicare services are available—in addition to those specifically required by the hospice rules—when these services are a necessary component of the plan of care. This amend-

ment is consistent with current HCFA policy. The existing statute is ambiguous because the beneficiary must waive coverage under part B for most services when they are related to the terminal illness, but some items are not clearly listed as part of the hospice benefit. For example, diagnostic tests and radiation therapy are not listed in the definition of hospice care, but occasionally the hospice team may agree with the attending physician that these services are necessary to manage the patient's terminal illness. Our bill would ensure that the hospice would be able to provide the appropriate care and that beneficiaries would not be liable for the costs of that care.

Third, our bill amends the core services requirement to allow hospices to contract for physician services with independent contractor physicians or physician groups. HCFA has interpreted the existing statute as requiring a W-2 employer/employee relationship between the hospice and its medical director and other staff physicians. This raises corporate practice of medicine problems in some States, and it is increasingly difficult for hospices to recruit part-time physician employees as the trend toward physician groups continues.

Fourth, the bill allows waivers of certain staffing requirements for rural hospices to be granted. Some hospices in rural areas have difficulty becoming Medicare-certified because of shortages of certain professionals. Currently, approximately 80 percent of hospices are Medicare-certified or pending certification.

Fifth, our bill amends the so-called waiver of liability provisions to protect the beneficiary if a hospice claim is denied by Medicare because the terminal illness eligibility requirement allegedly was not met. While this bill does not reinstate the waiver of liability presumption under which providers with low error rates were paid before 1996, waiver of liability for hospice reasonable and necessary denials is still available on a case-by-case basis. This means that the hospice may appeal the denials and the beneficiary is not liable for payment. The same process and protection are needed for denials based on 6-month prognosis issues.

Last, our legislation allows HCFA to set documentation requirements for physician certifications. Currently, the statute requires that paperwork documenting the physician certification of a patient's terminal illness be completed within a certain number of days of the patient's admission to hospice. This bill will eliminate the strict statutory requirements and give HCFA the discretion, as it currently has with home health certifications, to require hospice certifications to be on file before a Medicare claim is submitted.

In summary, the Medicare Hospice Benefit Amendments of 1997 is very similar to the bill we introduced last year. The major difference is that we dropped a provision in the 1996 legislation to extend the presumption of the waiver of liability that CBO scored with a budget impact. Therefore, our new bill should be revenue neutral. This Medicare Hospice Benefit Amendments of 1997 is noncontroversial and is needed to ensure that we have a smoothly operating Medicare hospice benefit for our Nation's seniors. I look forward to working with my colleagues to enact this legislation in this Congress.



## HONORING THE DEDICATED SERVICE OF BOB FERGUSON

### HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. POSHARD. Mr. Speaker, I rise today to recognize the dedication and accomplishments of Mr. Bob Ferguson of Flora, IL. Born and raised in that community, Bob has devoted his entire life to helping his friends and neighbors in various capacities and has become the standard by which such service is measured. Last November Bob was named as the 1996 Citizen of the Year by the Flora Chamber of Commerce, and I would like to extend my congratulations in regard to this honor as well as my thanks for his years of selflessness.

Bob Ferguson understands the meaning of the word commitment. He exemplifies it, as his life has been a series of enduring relationships. After serving his country in the U.S. Navy, Bob married his wife Shirley in 1949 and has raised two daughters and been blessed with six grandchildren. He worked for the U.S. Postal Service for 32 years while also serving as Flora City Commissioner for over 12 years. His list of achievements in the community is too large to list in its entirety, but a sampling of its diversity is telling: Assistant Bible school superintendent with the First Christian Church, original organizer and board member of the Flora Bank & Trust, a charter member of the Clay County Historical Society, member of the Flora Elks Lodge, the American Legion, the VFW, Freemasonry, Clay County Shrine Club, and other like organizations, and cochairman of the Clay County Red Cross financial drive. His willingness to help when asked and his ability as a fundraiser and civic leader should inspire everyone who does not think they can make a difference through volunteering. Not only did he participate on the behalf of numerous worthy causes, but he directed his special talents to make these efforts especially fruitful. A person's time and energy are often the most valuable gifts they have to give, and in Bob's case it has resulted in a profound impact on an immeasurable number of lives.

Mr. Speaker, as a public servant, I am extremely moved by the unselfish acts of others. Bob Ferguson is not only a good friend of mine and the entire 19th Congressional District of Illinois, but also an exemplary role model. I hope all of our citizens can follow his lead and look around them to see where they can make a difference. It is an honor to represent Bob in the U.S. Congress.

1-800 "BUY AMERICAN"  
LEGISLATION

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. TRAFICANT. Mr. Speaker, I rise today to reintroduce legislation to establish a toll-free 1-800 phone number consumers can call to get information on products made in America.

Similar legislation I authored was approved unanimously by the House in both the 103d and 104th Congress. Unfortunately, the other body did not act on the bill in either Congress.

My bill directs the Commerce Department to contract out the program to a private company. The toll-free number will provide consumers with information on products made in this country. The bill uses the same definition for an American-made product that the Federal Trade Commission uses in determining uses of "Made in the USA" labels. Only those products with a sale price of \$250 or more would be included in the program. The bill would subject any companies providing false information to Federal penalties. One of the key components of my bill is that the program would be self-financed through the imposition of a modest annual registration fee on participating companies.

I want to emphasize that my bill will not require the Commerce Department to hire more people or create a new unit. The only expense to the Department would be to prepare language for the Federal Register and to prepare bid documents. Let me reemphasize that the program will be contracted out and run by a private company. All the program would do is provide American consumers with information on what products are made in America.

When making a big purchase, most Americans want to buy American. This program will help them make an informed and patriotic decision. I urge my colleagues to cosponsor this bill. The text of the bill is as follows:

H.R.—

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ESTABLISHMENT OF TOLL FREE NUMBER PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Commerce shall establish a toll free number program to help inform consumers whether a product is made in America or the equivalent thereof. The Secretary shall publish the toll-free number by notice in the Federal Register.

(b) CONTRACT.—The Secretary of Commerce shall enter into a contract for—

(1) the establishment and operation of the toll free number pilot program provided for in subsection (a), and

(2) the registration of products pursuant to regulations issued under section 2, which shall be funded entirely from fees collected under section 2(b).

(c) USE.—The toll free number shall be used solely to inform consumers as to whether products are registered under section 2 as made in America or the equivalent thereof. Consumers shall also be informed that registration of a product does not mean—

(1) that the product is endorsed or approved by the Government,

(2) that the Secretary has conducted any investigation to confirm that the product is a product which meets the definition of made in America or the equivalent thereof, or

(3) that the product contains 100 percent United States content.

#### SEC. 2. REGISTRATION.

(a) PROPOSED REGULATION.—The Secretary of Commerce shall promulgate a regulation—

(1) to establish a procedure under which the manufacturer of a product may voluntarily register such product as complying with the definition of a product made in

America or the equivalent thereof and have such product included in the information available through the toll free number established under section 1(a);

(2) to establish, assess, and collect a fee to cover all the costs (including start-up costs) of registering products and including registered products in information provided under the toll-free number; and

(3) for the establishment under section 1(a) of the toll-free number pilot program.

#### (b) REGISTRATION FEE.—

(1) IN GENERAL.—Manufacturers of products included in information provided under section 1 shall be subject to a fee imposed by the Secretary of Commerce to pay the cost of registering products and including them in information provided under subsection (a).

(2) AMOUNT.—The amount of fees imposed under paragraph (1) shall—

(A) in the case of a manufacturer, not be greater than the cost of registering the manufacturer's product and providing product information directly attributable to such manufacturer, and

(B) in the case of the total amount of fees, not be greater than the total amount appropriated to the Secretary of Commerce for salaries and expenses directly attributable to registration of manufacturers and having products included in the information provided under section 1(a).

#### (3) CREDITING AND AVAILABILITY OF FEES.—

(A) IN GENERAL.—Fees collected for a fiscal year pursuant to paragraph (1) shall be credited to the appropriation account for salaries and expenses of the Secretary of Commerce and shall be available in accordance with appropriation Acts until expended without fiscal year limitation.

(B) COLLECTIONS AND APPROPRIATION ACTS.—The fees imposed under paragraph (1)—

(i) shall be collected in each fiscal year in an amount equal to the amount specified in appropriation Acts for such fiscal year, and

(ii) shall only be collected and available for the costs described in paragraph (2).

#### SEC. 3. PENALTY.

Any manufacturer of a product who knowingly registers a product under section 2 which is not made in America or the equivalent thereof—

(1) shall be subject to a civil penalty of not more than \$7500 which the Secretary of Commerce may assess and collect, and

(2) shall not offer such product for purchase by the Federal Government.

#### SEC. 4. DEFINITION.

For purposes of this Act:

(1) The term "made in America or the equivalent thereof" means—

(A) an unmanufactured end product mined or produced in the United States; or

(B) an end product manufactured in the United States if the value of its components mined, produced, or manufactured in the United States equals 90 percent or more of the total value of all of its components.

(2) The term "product" means a product with a retail value of at least \$250.

#### SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or in any regulation promulgated under section 2 shall be construed to alter, amend, modify, or otherwise affect in any way, the Federal Trade Commission Act or the opinions, decisions, and rules of the Federal Trade Commission under such Act regarding the use of the term "made in America or the equivalent thereof" in labels on products introduced, delivered for introduction, sold, advertised, or offered for sale in commerce.

February 4, 1997

A TRIBUTE TO THE RECIPIENTS  
OF THE WEST SUBURBAN CHAM-  
BER OF COMMERCE'S ANNUAL  
AWARDS

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. LIPINSKI. Mr. Speaker, I pay tribute today to five individuals and one organization for their outstanding contributions in making my district a better place to live and work. Their efforts are also being recognized by the West Suburban Chamber of Commerce, which will honor them at its 95th annual awards dinner February 8, 1997.

The Chamber's Citizen of the Year is Hon. Timothy Hansen, who serves as the village president of LaGrange, IL. I have had the pleasure to work with President Hansen on solving a number of challenges facing his community, and I can say that his recognition is well-deserved. Mr. Hansen has served the community since 1981, including 4 years as its president and 4 years as a member of the board of trustees. His even-handed management style and willingness to let all sides be heard on important issues has made President Hansen well-respected throughout his community.

The Chamber's Man of the Year is Mr. William F. Hendrickson, the retired president of Hendrickson Manufacturing. Throughout his life, Mr. Hendrickson has been dedicated to improving both the business and civic climate of his community, serving on the boards of important businesses and charitable organizations. Some of the groups he has devoted his time and energies including the Rich Port YMCA, the Plymouth Place retirement community and the Chicago Youth Center.

Ms. Cynthia Breunlin is being honored as the Chamber's Woman of the Year. Ms. Breunlin, the executive director of the West Cook Development Corp., has been involved with numerous community groups, including the NAACP and the Community Diversity organization in LaGrange. Ms. Breunlin, a former schoolteacher, has been honored for her community work by the Girl Scouts, Triton Junior College and School District 102. She is a recipient of the prestigious Medgar Evers Award from the NAACP.

Mr. David Bennett, executive director of the West Central Municipal Conference [WCMC], is the chamber's Public Servant of the Year. At the WCMC, Mr. Bennett has worked to bring often diverse suburban Chicago communities together to solve common problems. Mr. Bennett not only works for these communities, he makes his home in the area as well. He is active in his church, St. John of the Cross in Western Springs, IL, as well as the American Heart Association.

Mr. Robert Breen, is being recognized for Outstanding Community Service by an Individual. This award is especially appropriate as the name "Breen" is synonymous with public service in his community. He and his family have been the driving force behind the annual Pet Parade, a trademark event in LaGrange where the community comes together for a day of fun and creativity for all ages. Mr.

EXTENSIONS OF REMARKS

Breen, who also helps manage his family's extensive dry-cleaning business, is also a recognized leader in the fabricare industry, as well as his local business community.

The Chamber's Outstanding Community Organization this year is the LaGrange Community Nurse and Service Association, which is celebrating 75 years of service. While LaGrange Community Nurse and Service Association provides a wide array of health care services, the main focus is supplying primary care for low-income families who do not have insurance. The association also provides food for families in emergency situations and clothing and toys for needy children at Christmas.

Mr. Speaker, I salute these five outstanding individuals and one great organization on their good work, and give them my best wishes for continued success in serving the people of their community in the future.

TRIBUTE TO WILLIAM H. "BILL"  
WEBER

**HON. JAMES M. TALENT**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. TALENT. Mr. Speaker, I would like to pay tribute to Mr. William H. "Bill" Weber, a resident of my congressional district, who has been named the "citizen of the year" by the St. Charles Chamber of Commerce. It is my privilege to call this outstanding community leader my friend.

Mr. Weber, a lifelong resident of St. Charles, MO, has distinguished himself with a lifelong commitment to volunteerism. He has championed numerous causes with his vision and energy. Mr. Weber has been the driving force behind the funding of numerous projects, including the St. Peters Rec-Plex and the YMCA of St. Charles. He has served on the board of directors for Boys Town of Missouri, Missouri K.I.D.S., Lewis and Clark Performing Arts, and United Services for the Handicapped.

Mr. Weber knows that giving of yourself is simply more than donating a check. He understands that in St. Charles, as in the rest of the country, it is volunteerism which drives community spirit and cooperation. For all his life he has embodied those ideals.

A quote recently printed in the St. Charles Chamber newsletter by Mr. Ben Blanton, may best describe his character: "... this lion of a man has a teddy bear heart. A lion exterior to do battle for all the right things of our community, and a compassionate heart to weep over those who are in need."

Mr. Speaker, I ask you to join me in thanking Mr. Weber for his dedicated service and wishing him continued success. I am honored to join the St. Charles Chamber of Commerce in honoring this outstanding leader and citizen.

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HAPPY 50TH ANNIVERSARY,  
AMVETS POST 22

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. BARCIA. Mr. Speaker, patriotism is the noblest American virtue. I rise today to pay tribute to a group of individuals that exemplifies patriotism, the members of AMVETS Post 22. The AMVETS know service to their country doesn't end after their military career. They have been providing vital services to not only veterans but the community as a whole.

On Saturday, January 25, AMVETS Post 22 in Essexville, MI will celebrate their 50th anniversary. But more than celebrating their anniversary, AMVETS is celebrating 50 years of community service and involvement. AMVETS is involved in community projects providing services not only to veterans but to any member of the community in need. In such activities as the Caro State Hospital where they held local talent shows with music, singers, and dancers, for the patients. The civic minded members of AMVETS also pass on our country's patriotic rituals to the public in an annual flag disposal ceremony designed to teach the community how to respectfully dispose of worn out flags.

Yearly Thanksgiving dinner and Christmas baskets for the needy help assuage hunger around the holidays, but their concern is not seasonal. In September they hold the white clover sales where members go out all day collecting donations. This money is used for such vital community projects as Special Olympics and Toys for Tots.

In an effort to ensure that those who served their country are not forgotten, the AMVETS assist the veterans hospital by taking patients on outings and volunteer weekly at the hospital to make veterans more comfortable. They also hold Pearl Harbor Day services and Memorial Day services.

With an eye to the future, AMVETS provides scholarships for students aiding them in pursuit of higher education in many diverse fields of study. They also foster civic pride amongst grade school students with their essay and poster contest.

Mr. Speaker, AMVETS Post 22 has been working hard for 50 years to improve the quality of life for all Americans. Please join me in congratulating the AMVETS Post 22 on its 50th anniversary, with best wishes for many more.

TRIBUTE TO JIM ESHLEMAN

**HON. GEORGE E. BROWN, JR.**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. BROWN of California. Mr. Speaker, I would like to ask my colleagues to join me today in recognizing the achievements of Jim Eshleman, an aerospace engineer from California's Inland Empire. Jim was recently honored with 1 of 50 company-wide Nova awards by Lockheed Martin Corp. The award was presented during a ceremony at the Air and



Science Museum here in Washington last summer.

Jim was recognized as the flight sciences lead for a team that designed and built a large-scale model of an aircraft that may replace about 3,000 military jets of various designs by the year 2010. Called the "Joint Strike Fighter Demonstration Airplane," a one-design-fits-all aircraft that could replace diverse military aircraft. All would be variations of the same plane, with but few modifications for each aircraft.

Jim brings to his work at Lockheed the history and values of his home town Fontana in my congressional district. Along with his family, including his six brothers and sisters, Jim worked in the Eshleman Meat Co. in Fontana. Jim belonged to the local 4-H Club. In high school, he took an aviation sciences class and earned his pilot's license before high school graduation. He was educated at California State Polytechnic University, Pomona and Stanford University. He worked at NASA Ames Research Center before coming to Lockheed Martin in 1986 to join the famed Skunk Works.

At home in my district, we are proud of the contributions Jim is making in the aerospace field. I ask my colleagues to share this pride in an American whose work will make a difference in the way military avionics will develop in the next century.

#### HONORING THE AWARD WINNERS OF THE DALE CITY CIVIC ASSOCIATION

##### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. DAVIS. Mr. Speaker, it gives me great pleasure today to rise and bring to the attention of my colleagues some very special and important people in Dale City, located in Prince William County in the 11th District of Virginia. These are individuals who have put the welfare of the community, Dale City, VA, above their own needs and desires, not only performing their jobs, but going above and beyond the call of duty. These individuals have become role models to others in their professions and to other volunteers.

These citizens were honored on February 1, 1997 by the Dale City Civic Association, one of the largest, most active and accomplished citizens associations in the commonwealth of Virginia. The Dale City Civic Association was created 30 years ago and hosts an annual service awards banquet. In addition, the association offers a number of awards and scholarships for college bound students from Dale City, monitors development and serves as a sounding board for citizens and businesses.

I would like to offer my congratulations to the award recipients.

Catherine Spellane Citizen of the Year: Irene Dell. Ms. Dell is a member of the Dale City Civic Association and volunteers for the Dale City Volunteer Fire Department. She has made significant contributions in raising thousands of dollars for the fire department and has been instrumental in the success of kids

programs run by the volunteer fire department. She has volunteered much of her time to organize and help the DCCA become the successful association that it is today.

Youth Citizen of the Year: Kiana Rene Trent. Ms. Trent is a sophomore at C.D. Hylton H.S. She is the Class President and has played a major role in drug awareness programs, Just Say No campaigns, and SADD. She is a member of the student council Model United Nations, the swim team, and the junior varsity cheerleading team, to name a few. In addition to these activities, she has also won the Martin Luther King oratory contest. She is a model student and an accomplished citizen.

Firefighters of the Year: Marc Sherman and Eric Wyatt. Capt. Sherman and Capt. Wyatt are both volunteer firefighters at the Dale City Volunteer Fire Department Station 13. They have progressed from recruits to their present positions as battalion captains. These two men are true heroes, role models for our youth to emulate. In a recent residence fire, the brave efforts of these men saved the life of a child. They truly perform above and beyond the call of duty and help make DCVFD second to none. They have both volunteered over 1000 hours each.

Emergency Medical Technician of the Year: Angela Goodwin. Lt. Goodwin has been a volunteer EMT with the Dale City Volunteer Fire and Rescue Department since 1992. She is a driving force in the fire department paramedic program, providing unsurpassed advanced life support to patients in life threatening situations. Lt. Goodwin is always available for public education, internal training for her crews, as well as maintaining EMS supplies for three stations. Additionally, she is responsible for the management of her battalion crew and must provide constant supervision to assure her personnel will be ready to meet any emergency situation.

Nurse of the Year: Nancy O'Shields. Ms. O'Shields is a nurse at Potomac Hospital. She has been a member of this nursing staff for 24 years and has served as a staff nurse with the medical-surgical unit until transferred to the emergency department where she worked for several years. Currently, she serves as the director of outpatient surgical services. In her spare time, Nancy is active in her church and sings in the choir. She is a member of the police wives association, and she was also very active in the Dale City Little League and the area schools when her children were young. She is a model citizen within the community.

Police Officer of the Year: First Sergeant Shari S. Williams. First Sergeant Williams developed the Police and Community Together Program which forms alliances with police officers and citizens in specific neighborhood watches to solve community problems. The object of this project is to keep an open dialog to address concerns or needs that may arise in the community. She has also worked closely with the crime prevention bureau to make this program the success it is today.

Community Service Award: Earl Barnes. Mr. Barnes is a member and 2d vice president of the DCCA. He is also a member of the P.W. County Board Audit Committee, a member of the P.W. County Arts Council and the American Legion Post, as well as the Treasurer of

Westwind Forest HOA. He is one of the 24 students to graduate from the inaugural P.W. County Community Leadership Class and plays an important role as a member of the 11th District Congressional Federal Employee Working Group. He is always seen as a person that lends a helping hand, and always thinks of others before himself.

Elementary School Teacher of the Year: Mary Allen. Ms. Allen has been a teacher in Prince William County for the past 27 years, 10 years at Occoquan elementary and 17 years at Enterprise elementary. She is not just a classroom teacher, she has also been the grade level chairman, lead teacher, and has served as an enhanced instructional process coach. Additionally, she has recently worked on two school review committees. She is always helping other teachers both in and out of school.

Middle School Teacher of the Year: Alan Graham. Mr. Graham has been a teacher for 20 years. Currently, he teaches computer science at Beville middle school. Additionally, he coaches the baseball team, edits the newsletter, and inspires young thespians. He teaches the immigrant students in ESOL class and has a willingness to adapt his instruction so that these limited English students can grasp the course content as well as improve their language skills. He always strives to make the lab he works in a better place for kids to learn.

High School Teacher of the Year: Jan Polk. Ms. Polk has been a teacher in Prince William County for 32 years. Currently, she teaches social studies at C.D. Hylton high school. Each year, Jan plans and organizes a mock election. Nearly 1,000 people attend and participate in this most interesting exercise of civic responsibility. She is well respected by all of her students and colleagues at Hylton high school. Not only does she work with the most experienced educators, she also assists the newest first year teachers by sharing materials, strategies, and personal support.

Mr. Speaker, I am proud to represent these outstanding citizens and I know my colleagues join with me in congratulating these individuals for their tireless efforts to make Dale City, VA a better place to live.

#### MAKE A COMMITMENT TO CHILDREN NOW

##### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. STARK. Mr. Speaker, I am introducing today a bill to help low-income working families buy health insurance for their uninsured children. Families who buy an individual children's health insurance policy will be given a 95-percent refundable tax credit against the cost of the policy.

Health insurance equals access to health care. Access to health care equals better health and a better quality of life. It is that simple.

Health insurance can mean the difference between life and death—and between a good quality life and a stunted life. A recent GAO report provides a concise summary of why the lack of insurance is so important.

Studies have shown that uninsured children are less likely than insured children to get needed health and preventive care. The lack of such care can adversely affect children's health status throughout their lives. Without health insurance, many families face difficulties getting preventive and basic care for their children. Children without health insurance or with gaps in coverage are less likely to have routine doctor visits or have a regular source of medical care. \* \* \* They are also less likely to get care for injuries, see a physician if chronically ill, or get dental care. They are less likely to be appropriately immunized to prevent childhood illness—which is considered by health experts to be one of the most basic elements of preventive care.

Numerous studies have underscored the importance of access to health insurance. Despite the widespread recognition of the problem, there are 10 million children in the United States without health insurance. Said differently, 14.2 percent of all children are uninsured, according to the latest analysis of the Bureau of Census' March 1995 current population survey by the General Accounting Office [GAO].

Many analysts predict that this figure will continue to grow, mainly because private health insurance continues to decrease. Private coverage—employer-based and individually-purchased insurance—for children declined steadily between 1987 and 1993, from 73.6 percent down to 67.4 percent of all children. Currently 40 percent of children are not covered under their parents' employment based health insurance. According to experts at the Center for Health Policy Research at George Washington University, one child loses private coverage approximately every minute.

Health insurance for children in America is getting worse—not better. With the recent attack on welfare, and therefore Medicaid, it may get disastrously worse—fast. We desperately need to reverse the trend of rising uninsured rates for children. The General Accounting Office recently issued a report to Senator CHRISTOPHER DODD, dated June 17, 1996, entitled "Health Insurance for Children: Private Insurance Coverage Continues to Deteriorate," the report states.

The number of children without health insurance coverage was greater in 1994 than at any time in the last 8 years. In 1994, the percentage of children under 18 years old without any health insurance coverage reached its highest level since 1987—14.2 percent or 10 million children who were uninsured. In addition, the percentage of children with private coverage has decreased every year since 1987, and in 1994 reached its lowest level in the past 8 years—65.6 percent \* \* \*.

Several States have built on existing programs to expand health insurance coverage for uninsured children. At the State level, the current strategy to cover the uninsured is to fill in the gaps in insurance coverage. In July 1996, Massachusetts adopted coverage expansions for children in Medicaid in the State's Children's Medical Security Plan; in New York and Florida as well funds were appropriated to extend children's health insurance programs to additional children. Although a few States have moved forward to expand health insurance coverage for children, it is not enough. We need to do more.

The bill I am introducing today is not a mandate; it does not require any individual to buy health insurance. It does, however, provide incentives for the sale and purchase of individual children's health insurance policies, and it does help families, especially very low income families, buy a policy of their choice.

The bill would create a refundable tax credit of 95 percent of the cost of the premium to buy health insurance for a child. The credit is available to families based on a computation of adjusted gross income plus an additional \$5,000 amount for each child covered.

This bill is a small, incremental step forward. It is by no means everything I would like. If I could wave a magic wand, I would make sure that everyone in America had high quality health insurance tomorrow morning. That isn't going to happen—but this small step, starting with children, could help millions of children grow up to be healthier, more productive citizens. Like my amendment which started the COBRA Health Continuation Program which has been used by 40 million Americans, this bill could make a world of difference to millions of Americans in the years ahead.

We spend long hours debating whether there should be prayer in school, but no time discussing how much parents pray that their children don't get sick because the parents can't pay the bills. We spend days debating obscenity on the Internet, but little time debating how obscene it is for a society as rich as ours to have so many children and parents unable to seek adequate medical care. It's time to debate a critical issue—the health of our children.

To repeat, the bill is not a mandate, but a chance for the 99.99 percent of parents who care to have affordable health insurance for their children. It uses the private market exclusively. It is a first step. I welcome cosponsors for the bill, and comments and suggestions from the public on ways to improve the bill.

The following is a summary of the bill:

#### CHILDREN'S HEALTH INSURANCE ACT OF 1997 SUMMARY

##### I. OFFERING OF POLICY

Group health plans must make available qualifying coverage for eligible children whose parent(s) has group health coverage under the plan. Group health plans must offer coverage at least annually. Each insurer that offers health insurance coverage must have available for purchase health insurance for eligible recipients under the age of 21. A health insurance policy must be reasonably priced (it is reasonably priced if the premium or other charge for the coverage does not exceed 150 percent of the average price for similar coverage offered in the same state).

##### II. BENEFIT PACKAGE

The benefit package must include benefits provided under Medicare (parts A and B) plus well child care benefits including newborn and well baby care, routine office visits, immunizations, routine lab tests, preventive dental care, and EPSDT services. A prescription drug benefit for catastrophic costs is also included. There is no cost sharing for preventive services.

##### III. QUALIFYING DEPENDENT

A qualifying young dependent is defined as an individual who is under 21 years of age, and is claimed as a dependent for tax purposes.

It does not include an individual who has applied for and who has been determined eligible for Medicaid.

##### IV. TAX CREDIT

Each taxpayer who purchases a health insurance policy for their dependent receives a tax credit in an amount up to 95 percent of the cost of the premium to buy health insurance for a qualifying dependent. The credit is available to taxpayers based on a computation of adjusted gross income plus an additional \$5,000 amount for each child covered. There is full tax credit provided at the adjusted gross income of up to \$15,000 plus \$5,000 per child covered by the health insurance policy. The "\$15,000" figure represents approximately 200 percent of poverty for an individual under the age of 65. For example, a family with adjusted gross income of \$25,000 and two qualifying children would receive a refundable tax credit of 95 percent of total premium paid for coverage of the two children. As a family's income rises and the need for a subsidy is less critical, the credit phases out. The credit is available only to subsidize traditional health insurance coverage for children. The bill provides for an advanced payment structure for 60 percent of the tax credit similar to the earned income tax credit advanced payment system. A return relating to premiums received for health insurance coverage for children would be required.

##### V. EXCISE TAX

The bill provides for an excise tax on any group health plan (25 percent of each premium received by the group health plan for the plan year in which the failure occurs) or insurer that offers individual health insurance policies (25 percent of the total amount of the premiums paid to the insurer for such coverage for the plan year in which the failure occurs) who fails to offer an individual children's health insurance policy for sale. The tax would not apply where the failure to offer a children's health insurance policy was due to reasonable cause and not willful neglect. The tax would also not occur if the failure to offer the plan was corrected within a 30 day period.

##### VI. OTHER PROVISIONS

Medicaid cost-sharing assistance for qualifying children with family income below 150 percent of the poverty line would be financed 100 percent by the Federal Government. There is coordination with other tax provisions subsidizing health costs to disallow the credit in instances where the taxpayer also claims a medical expense for the same premium cost or claims a deduction for health insurance costs of self-employed individuals. Grants to states for health insurance outreach and information programs would be established.

#### TRIBUTE TO BISHOP RENE GRACIDA

#### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. ORTIZ: Mr. Speaker, I rise today to commend a dear friend and a man who commands great respect in the greater south Texas area, Bishop Rene Gracida on the occasion of his silver jubilee of his episcopacy.



Twenty-five years ago, on January 25, 1972, Bishop Gracida was consecrated a bishop by Cardinal John Dearden in St. Mary's Cathedral in Miami, FL. He came to the diocese of Corpus Christi in 1983, and since that time, he has ordained 65 men to the priesthood.

During the celebration of his 25th anniversary, Bishop Gracida will ordain three more men to the priesthood for the diocese of Corpus Christi and three to the diaconate for the Society of Our Lady of the Most Holy Trinity.

Bishop Gracida has been a powerful presence in Corpus Christi and the south Texas area. He is respected by many people in the community, including this Member.

I wish him the very best on his anniversary and look forward to his service in the community for many years to come.

#### SUBCOMMITTEE ON TRANSPORTATION AND RELATED AGENCIES HEARING SCHEDULE

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. WOLF. Mr. Speaker, as chairman of the Appropriations Subcommittee on Transportation and Related Agencies, I am pleased to announce the subcommittee's hearing schedule for fiscal year 1998. A tentative schedule follows.

The subcommittee will conduct 10 hearings beginning in late February and concluding March 20, prior to the March district work period. The subcommittee will receive testimony from Members of Congress and other public witnesses on February 25 and 26. Those parties interested in testifying before the subcommittee are directed to submit a letter of request to the subcommittee no later than February 14. Every attempt will be made to accommodate all requests. Members of Congress and other public witnesses may, without prejudice, submit their testimony for the hearing record rather than testify in person. Oral and written testimony will receive the same consideration.

Oral testimony will be limited to 5 minutes. The subcommittee will receive testimony from only one designated spokesperson per organization, association, municipality, aviation or transit authority, or group. Witnesses testifying before the subcommittee are to provide 25 copies of their prepared testimony to the subcommittee no later than February 20, 1997.

This year, an additional requirement is imposed on nongovernmental witnesses presenting oral testimony. Pursuant to clause 2(g)(4) of rule XI of the Rules of the House of Representatives, the Committee on Appropriations requires, to the greatest extent practicable, each nongovernmental witness who plans to give oral testimony to submit a written statement including a curriculum vitae and a disclosure of the amount and source by agency and program, of any Federal grant or subgrant thereof, or contract or subcontract thereof, received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

Members and public witnesses who wish to submit their testimony for the hearing record are to provide three copies of their prepared testimony to the subcommittee by April 4, 1997. All Members' requests shall also be submitted by that time.

Any questions can be directed to Linda Muir of the subcommittee staff at 202-225-2141. Correspondence should be addressed to: Subcommittee on Transportation and Related Agencies Appropriations, Attention: Linda Muir, 2358 Rayburn House Office Building, Washington, DC 20515.

#### TRANSPORTATION APPROPRIATIONS SUBCOMMITTEE FISCAL YEAR 1998 HEARING SCHEDULE—FEBRUARY 23–APRIL 5, 1997

February 25—Members of Congress and public witnesses.

February 26—Members of Congress and public witnesses (9 am and 1 pm).

March 4—Secretary of Transportation.

March 6—U.S. General Accounting Office (GAO).

March 11—National Transportation Safety Board, Office of Inspector General (1 pm).

March 12—Coast Guard.

March 13—Federal Highway Administration, National Highway Traffic Safety Administration.

March 18—Federal Aviation Administration.

March 19—Federal Transit Administration, Washington Metropolitan Area Transit Authority (WMATA).

March 20—Federal Railroad Administration, National Railroad Passenger Corporation (Amtrak).

April 4—Prepared statements for hearing record and Members' requests due (3 copies).

#### CONDIT HONORS LOCAL GROUP

**HON. GARY A. CONDIT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. CONDIT. Mr. Speaker, I rise today to honor the 100 year anniversary sorority from my district known as Omega Nu. In early 1897, five young women attending San Jose High School formed the Greek Organization Alpha Chapter of Omega Nu. They spent a great deal of time hosting luncheons, dances, and tea parties. Members of the Alpha Chapter aided in the establishment of chapters in Stockton, Santa Cruz, Oakland, San Francisco, Sacramento, Alameda, and as far north as Portland, OR, and Seattle, WA, before laws outlawed secret sororities on high school campuses. Not to be deterred the Alpha Chapter sought out young matrons as members and the society evolved from a strictly social group to a more charity minded organization.

At the conclave in 1914, Grand President Georgy Landsborough from Sacramento called upon all chapters to "maintain a special aim for the sorority namely charity . . . and that it is up to us to show our critical friends, through the excellent work that we can do along this line that we can be a blessing to the community in which we exist."

Distance, war and antifraternity laws impacted several out-of-State chapters. Thus, since the early 1920's, northern California has been home to 13 extremely active Omega Nu

chapters; each distinct within their community but with charity remaining the first and foremost focus of the various chapters. One hundred years of charity includes food baskets at Thanksgiving and Christmas time, donating money and services to the Community Chest, now United Way, Red Cross, American Field Service, American Cancer Society, Alzheimer's, Salvation Army, Boy Scouts, Girl Scouts, Special Olympics, AIDS, Abused Women's Centers, Children's Crisis Centers, Meals on Wheels and many other organizations which have needed our help over the years. Omega Nu also provides clothes for destitute families, dental and eye care for young people and contributes money, services, and materials to all levels of the educational system. Many chapters also give scholarships to high school graduates, college students and reentry students to help finance their college education.

Each year, the 13 chapters of Omega Nu compile a journal of all the activities we have taken part in. The number of organizations which have benefited from their years of philanthropic commitment is unbelievable. In the last 50 years, we have given back to the community over \$4,100,000. Besides dollars, the members have also contributed countless hours of their own time and a vast amount of energy, fulfilling the needs of those less fortunate.

It is my pleasure to recognize such a fine organization that has worked so very hard to make a difference in the community in which they serve.

#### A TRIBUTE TO PATRICIA O'BRIEN, THE ARGO-SUMMIT CHAMBER OF COMMERCE VOLUNTEER OF THE YEAR

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to an outstanding woman who has dedicated much time and effort in bettering the lives of her fellow citizens—Ms. Patricia O'Brien.

Ms. O'Brien's efforts will also be recognized February 21, 1997, by the Argo-Summit Chamber of Commerce as she is the organization's Volunteer of the Year.

A resident of Summit, IL, Ms. O'Brien has been active in collecting food, especially in her place of work, United Parcel Service, where she is a truck driver. Three years ago, she began a food drive at UPS, and in 1996, Ms. O'Brien and her co-workers collected more than 1 ton of food. Last summer, she helped collect and deliver more than 10,000 pounds of extra food from the Taste of Chicago festival, and regularly retrieves leftovers from the McCormick Place Convention Center for area food pantries and homeless shelters.

Ms. O'Brien has received the Casey Award from UPS and the Tom Shay Award from the International Brotherhood of Teamsters for her community service.

Mr. Speaker, I salute the selfless efforts of Patricia O'Brien and extend to her my best wishes for continued success in the future.

## THANK YOU TERRY WATSON

## HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. BARCIA. Mr. Speaker, in 1776, 13 colonies declared their independence to form a new nation. They put their convictions to pen and the Declaration of Independence was signed on July 4, 1776. Two hundred years later, we continue to celebrate the birth of our Nation. Parades, picnics, marching bands, and barbeques are arranged all over the country. However, the Fourth of July weekend would not be complete without fireworks.

Terry Watson, president of the Bay City Fireworks Festival, founded the festival in 1983 and has contributed to a Fourth of July fireworks display that astounds and astonishes. Terry took a well deserved 2-year break from his hard work and commitment to entertaining Bay City's families. The festival went on without him. However, they experienced financial trouble. The citizens requested that Terry return to revitalize the festival. Terry was elected president in the fall of 1995. Writing new bylaws and forming the board of directors, Terry returned full swing with his commitment to improving and refining the festival operations.

Through several fundraisers, the generous support of Tom LaPorte, president and CEO of Mortgage America, the overwhelming support of the community and the dedication of Terry Watson and the volunteer board of directors, the Bay City Fireworks Festival, retired the nearly \$120,000 debt, and the festival continues to thrive and grow, showcasing Bay City and all of mid-Michigan. Plans are already under way and the work has begun for the 1997 Bay City Fireworks Festival. The citizens of Bay City can look forward to a spectacular display because Terry's motto is "Bigger is Better."

Terry is not only committed to entertaining the people of Bay City but, as a Bay City police officer, he has protected and served the citizens of Bay City for 25 years. He also served as the chairperson of the Fraternal Order of Police fireworks programs for 22 years.

I urge my colleagues to join me in sending congratulations and thanks to Terry for his commitment to help fellow Michiganites celebrate our Nation's birthday. He has provided people of all ages enjoyment and awe.

## TRIBUTE TO HERB CAEN

## HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. FARR of California. Mr. Speaker, the relationship between elected officials and the media has historically been one of love and hate. Those of us in the public eye realize that by entering into the arena we are subject to criticism and commentary from the media. After you have spent time in public life you learn to accept the fact that there are going to

be those who disagree with you on a variety of issues. Some commentators can give fair, and well-reasoned arguments for why they have a difference of opinion, and some choose to just throw mud. Herb Caen never threw mud.

On Saturday, February 1, the people of northern California lost one of its most beloved figures. Herb Caen was more than just a columnist, he was a towering figure in the city where he wrote for the San Francisco Chronicle for almost 60 years. Every morning thousands of people in the bay area and beyond awoke to read Herb's unique blend of local news, gossip, jokes, one-liners, and political commentary. In May 1996, Herb was awarded a special Pulitzer Prize for his "extraordinary and continuing contribution as a voice and a conscience of his city." In addition to his column for the Chronicle, he also wrote magazine articles, and 12 books including, "One Man's San Francisco" and "Don't Call it Frisco."

In fact, the people of San Francisco admired him so much that upon his public announcement last summer that he had inoperable lung cancer, the city of San Francisco dedicated a 3.2-mile promenade stretching from China Basin to Fisherman's Wharf as Herb Caen Way. Besides being an entertaining writer, and political watchdog, Herb was a crusader, who used the power of the pen to tackle injustice, and to fight for what he believed in. Many credit Herb with saving the cable cars, and preventing the Golden Gate Park from being paved over by a massive highway project. But more than anything, it was the way in which Herb lived his life that he will be most remembered for. Whether it was dancing the night away to a jazz band, or just strolling along his beloved waterfront, he always had a good time. I am sure that I am joined by all of northern California in saying that we will miss Herb Caen.

## TRIBUTE TO THE LATE CHARLES P. HOWARD, JR.

## HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. CUMMINGS. Mr. Speaker, I rise today to pay a special tribute to the late Charles P. Howard, Jr., a lawyer and a great civil rights activist in Baltimore, MD.

Charles Preston Howard, Jr., was born in Hampton, VA, the son of Charles Preston Howard, Sr., an attorney, and Louisa Maude Lewis. The family moved to Des Moines, IA, when he was a child, where he graduated from high school in 1939.

While in high school, Mr. Howard and his two brothers, Joe and Lonnie, founded the Iowa Observer, a neighborhood newspaper that grew into a network of four weekly papers that were also published in Indiana and Wisconsin. The three youths were greatly influenced by their great-uncle, Henry McNeal Turner, a turn-of-the-century African Methodist Episcopal bishop whose newspaper, the Voice of the People, crusaded against segregation.

Charles Howard, Jr. began studying journalism at Drake College in 1940 and trans-

ferred to Howard University, where he entered an Army training program for journalists. As a reporter for the Army Times during World War II, Mr. Howard displayed his disdain and outrage for segregation which would mark his entire career. He openly questioned the role of black troops fighting for a democracy that promoted segregation. He suggested in editorials that black troops should resist such discrimination, and in two instances there were demonstrations at Army camps where Mr. Howard was stationed in England and in the United States. Some changes were initiated by military authorities, but it wasn't until May 1948, when President Truman signed Executive Order No. 9811, that segregation in the military was ended.

As an aide to Gen. Benjamin O. Davis, the first African-American general in the U.S. Army, Howard served on the staff of the Supreme Headquarters Allied Expeditionary Force until being discharged at the war's end.

Upon returning to Howard University, Charles Howard worked with the lawyers and participated in the university's support of the Brown versus Board of Education case, the landmark case that desegregated the Nation's public schools.

Mr. Howard began practicing law in 1955, after earning his law degree in 1954 from Howard University Law School and an international law degree from New York University in 1955. Soon after his graduation from law school, Mr. Howard quickly developed a reputation as a fearless and colorful defense lawyer. Lawyers impressed by his brilliant defense techniques and verbal pyrotechnics often crammed courtrooms to watch him try a case.

"He was certainly tenacious and he wasn't opposed to taking the bench over difficult cases," said Gloria E.A. Toote, a Harlem lawyer who held positions in the Nixon, Ford, and Reagan administrations and got to know Mr. Howard when they were students at Howard University. "Once he was committed, it became a moral commitment, and he wouldn't let go. He'd work until he dropped from sheer exhaustion."

In the late 1960's, he established Howard and Hargrove, Maryland's first black corporate law firm, which was in the American Building on Charles Street. Later, Howard formed Howard, Brown, and Williams where he retired in 1985.

In 1966, Mr. Howard ran for the House of Delegates and lost, but his race signaled the developing black presence on the city's political landscape. He later helped elect his brother, Joseph C. Howard, to the supreme bench of Baltimore City in 1968. Judge Howard, who was later appointed to the U.S. district court, is now retired.

Charles Howard, Jr.'s professional memberships included the Professional Ethics Committee for Legal Aid to the Indigent, the National Bar Association, the American Society of International Law, and the Maryland State Bar Association. He was active in the NAACP, the YMCA, and the Boy Scouts of America. He was also a member of the board of Arena Players Theater Co. and in 1971 was named to the board of the Maryland Public Broadcast Commission by Gov. Marvin Mandel. He also was acting president of Bay College until the



school closed in 1978. Mr. Howard was also a member of the St. James Episcopal Church where was an active member.

In recent years, Mr. Howard was most concerned about economic alternatives to welfare dependency and worked with and counseled black businessmen. A popular tenet of Howard's was that the successful had an obligation to help those in need.

On December 14, 1996, Charles Preston Howard, Jr. died of a heart attack at his home in the Ashburton section of Baltimore, MD at the age of 75. He is survived by his wife of 6 years, the former Jewel White, two sons, Charles P. Howard III of Los Angeles and Charles Lattimore Howard of Philadelphia, a daughter, Catherine Marie Howard of Baltimore, and another brother, Dr. Lawrence Howard of Baltimore.

Charles P. Howard and his dedication to the African-American community will certainly be missed in Baltimore and across the country. He was an outstanding American who labored tirelessly to ensure that every person enjoyed the benefits of true American values.

According to family members, "Charlie's life work seemed to always orbit around the critical importance of building and nurturing community institutions for the future of humanity everywhere."

#### MEDIGAP PROTECTION ACT OF 1997

##### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. BENTSEN. Mr. Speaker, I rise today to introduce vital consumer protection legislation for Medicare beneficiaries. The Medigap Protection Act of 1997 will provide real freedom to senior citizens to choose between traditional fee-for-service Medicare and managed care Medicare programs without risk of penalty. It does so by guaranteeing access to Medigap supplemental insurance for seniors who choose to enroll in fee-for-service Medicare after participating in Medicare managed care plan.

Congress this year will again debate fundamental changes to the Medicare System. Previous reform proposals would strongly encourage Medicare beneficiaries to enroll in managed care plans. Nationwide, approximately 13 percent of the Medicare population already is enrolled in managed care options. I support providing freedom of choice for senior citizens, but this choice must be real and not coerced. As more senior citizens enroll in managed care plans, we need to ensure that they can reenroll in traditional Medicare without losing benefits or paying a financial penalty.

Under current law, Medicare beneficiaries can enroll in either a managed care product or traditional Medicare Program. Many enrollees in traditional Medicare choose to purchase supplemental insurance policies, often called Medigap, to cover the cost of copayments, deductibles, and other uncovered benefits such as prescription drugs. When Medicare beneficiaries make this initial choice, current law protects them by requiring all insurers to sell Medigap insurance. Regrettably, this con-

sumer protection is not provided after the initial enrollment period.

This legislation would require guaranteed issue of Medigap policies for those senior citizens who choose to enroll in traditional Medicare after leaving a managed care Medicare Program. This bill would require any issuer of Medigap insurance to provide an annual enrollment period of 30 days for those Medicare beneficiaries who reenroll in the traditional Medicare Program. The Secretary of Health and Human Services would issue regulations to enforce this act. The bill would become effective 90 days after enactment.

Without this protection, senior citizens do not have a real choice. In addition, many senior citizens are not aware of this lack of protection and may enroll in managed care plans without knowledge of this problem. Consumers should be able to choose plans without financial coercion or penalties, such as the inability to purchase Medigap insurance. For many senior citizens, Medigap benefits are extremely important because traditional Medicare does not provide prescription drug coverage. I want to ensure that Medicare beneficiaries make a choice between equal options. This legislation also provides greater freedom and choice for seniors without forcing them to cover the costs of higher copayments, deductibles, and prescription drugs.

This is another common sense health care reform we can pass immediately that should be supported on a bipartisan basis. President Clinton endorsed this provision as part of his 1997 budget. We need to pass common-sense, reasonable legislation that will improve the Medicare Program so senior citizens are protected and have real choice. I urge my colleagues to join me in this effort to strengthen consumer protections for Medicare beneficiaries.

#### COURT RULING SHOWS WHY CONGRESS MUST CLOSE MEDICARE HOSPITAL OUTPATIENT DEPARTMENT LOOPHOLE THAT HURTS SENIORS

##### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. STARK. Mr. Speaker, today, Representative BILL COYNE and I have introduced legislation to close the Medicare Hospital Outpatient Department [HOPD] loophole that is costing retirees and the disabled billions and billions of dollars a year in improper charges.

On June 25, the U.S. Ninth Circuit Court of Appeals denied a class action motion to require hospitals to charge no more than a reasonable amount for services rendered in HOPD's under Medicare part B.

To quote from the Bureau of National Affairs' description of the case:

At the center of this case is a fight over cost sharing, and in particular, how much of the cost beneficiaries should be responsible for," the appeals court wrote. It explained that under the basic formula for Part B services, a beneficiary must pay 20 percent of the reasonable charges for the items and services rendered and the federal government pays a

lesser of the reasonable cost of such services or the customary charges, but in no case may the payment exceed 80 percent of the reasonable cost. [emphasis added]

The court explained that the cost-sharing arrangement is known as the "80-20 split," but the label is misleading because of the total amount paid to the provider, the beneficiary's share typically exceeds 20 percent.

That share rises because the Health Care Financing Administration reimburses on the basis of the hospital's costs, while the beneficiary owes a percentage of hospital charges. Because providers normally charge above cost, the beneficiary's share represents something more than 20 percent of the total payment to the hospital.

Carol Jimenez, an attorney for the Los Angeles-based Center for Health Care Rights and the appellants' lead attorney, said the ruling "will result in both beneficiaries and the Medicare program paying more for hospital outpatient services."

In an announcement following the decision, Jimenez cited a General Accounting Office report finding that Medicare patients' cost sharing, as well as Medicare's costs, vary dramatically for the same service depending on where it is received. For example, cataract surgery that cost a patient \$1,200 in a hospital [plus additional amounts paid by Medicare] would cost a patient only \$250 and the Medicare program only \$1,000 if performed in an independent surgical center.

\*\*\* the Ninth Circuit \*\*\* concluded, "While we are sympathetic to the plight of Medicare beneficiaries who are burdened by ever rising medical costs, we conclude that 'none of [the existing laws] compels HHS to limit the charges."

The court wrote that Congress is aware of both the cost-shifting problems and HHS' failure to "correct" it. "\*\*\* Congress is aware of the issue—indeed Congress may have caused the problem by introducing prospective payment for some services but not others—and that Congress has deliberately declined to address it."

The court also noted that Congress is studying the feasibility of a prospective payment system for hospital outpatient services which could address the beneficiaries concerns. "Thus, we decline the beneficiaries' invitation to preempt congressional action in this very delicate area of public policy," the court wrote.

Mr. Speaker, it is way past time that Congress acted to correct this multi-billion dollar cost shift onto retirees and the disabled and to fulfill Medicare's promise of an 80-20 copay system.

#### IN RECOGNITION OF GREGORY SZURNICKI

##### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. ACKERMAN. Mr. Speaker, I rise today with great pride to share with my colleagues in the House of Representatives the story of a man whose entire life has been committed to making the lives of others better.

I speak of Gregory Szurnicki, who was honored on January 25, 1997 by the Kings Park Chamber of Commerce as the 1996 Man of the Year.

The youngest of nine children, Gregory entered the Armed Forces shortly before his 20th

birthday to fight in World War II. He, like many other courageous young soldiers, landed on Omaha Beach in Normandy, France on D-day, June 6, 1944. Five campaigns later, the war ended for him just outside of Berlin, Germany and 1 year later was discharged from military service.

After the war, he settled in Suffolk County, and began working at the Kings Park State Hospital in charge of 85 patients during the evening shift. It was here that he began his efforts to improve the quality of life of the patients and the employees. He effected such changes as improved patient-staff ratio, upward mobility through career ladders, and a higher level of training opportunities. In 1975, Greg founded the Kings Park Employees Federal Credit Union and served as the union's president until 1996.

Throughout his career, he formed many civic groups and became extremely active in local civic affairs. His involvement with the union as an advocate and organizer led him to many positions on the local, regional, and statewide levels where he could continue to work for the good of all.

Since his retirement in 1988, Greg has continued to stay fully involved in civic affairs. He serves as the facilitator for the Northwest Civic Coalition and the Suffolk Community Alliance, whose membership includes all the major civic coalitions in Suffolk County.

Greg is truly one of Kings Park's treasures and has been a driving force in ensuring that Kings Park is a better place to live in.

I ask my colleagues to join with me in saluting Gregory Szurnicki who has provided a lifetime of service to his country and his community, and in congratulating him on being named the 1996 Man of the Year by the Kings Park Chamber of Commerce.

#### MICHIGAN STATE REPRESENTATIVE ROBERT A. DEMARS

#### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. DINGELL. Mr. Speaker, I rise today to honor a great man and friend, former Michigan State Representative Bob DeMars. Bob was devoted to his family and committed to his work and his cherished memory will not fade from the hearts and minds of those who knew and loved him.

Bob died as he lived: serving the people of his district in Lincoln Park, Melvindale, Ecorse, and Allen Park.

As a Michigan native, Bob spent his entire life in public service, first as a teacher, then as mayor, city councilman, city treasurer, and State representative.

Bob taught for 26 years in the Lincoln Park Public Schools. He served as a local president for the Michigan Education Association and as a local president, State vice president, and national vice president of the American Federation of Teachers.

Bob was a veteran of World War II where he served in the U.S. Navy's Submarine Service. He introduced many bills to assist veterans, introducing legislation that provided

special license plates for veterans of World War I, World War II, and the Korean and Vietnam wars to honor those who served their country.

In community service, Bob served as president of the Lincoln Park Jaycees and the Lincoln Park Kiwanis Club. He was also a member of the American Legion, V.F.W., Chamber of Commerce, Eagles, Masons, Scottish Rite, Shriners, Moose, Optimists, Historical Society, and the P.T.A. He sponsored two Little League baseball teams. In the Democratic Party, Bob served as vice-chairman of the 26th District and was a precinct delegate. He was a member of the Michigan Democratic Party and the Lincoln Park, Allen Park and Melvindale Democratic Clubs.

Bob's 15-year-old daughter Maeann and wife of 32 years, Deanie were the light of his life.

Today we join his friends and family in remembering Bob DeMars and thank him for the growth and encouragement he gave to our community and its people.

He is greatly missed.

#### INTRODUCTION OF EWING-LEWIS LENDER AUDIT LEGISLATION

#### HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. EWING. Mr. Speaker, in partnership with Mr. LEWIS of Kentucky, I have introduced a bill which will repeal an ineffective and burdensome regulation now mandated by the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1992. This act blindly requires all lenders who participate in the Federal Family Education Loan Program to perform expensive, comprehensive annual audits on their student loan portfolios. Similar legislation was included in the continuing resolution adopted for fiscal year 1997, and thus expires on September 30 of this year. Passage of this bill will permanently extend the lender audit exemption.

In our respective districts, the gentleman from Kentucky and I represent small banks and credit unions which maintain and service small student loan portfolios in compliance with the Federal Family Education Loan Program. The profit on these portfolios is estimated to be around \$3,000 to \$5,000 annually, while the audit required by the Department of Education costs anywhere from \$2,000 to \$14,000 annually. As you can see, it does not make sense for small lenders to service these loans and participate in the FFEL program. In fact, many small lenders are selling their portfolios and leaving the student loan business altogether. This is not fair to student borrowers in rural areas who are increasingly unable to utilize lending institutions that they are familiar with. This is also not fair to smaller lenders who wish to service and maintain student loans. If this policy is enforced, small lenders will be effectively cut out of the student loan business and consumers will be denied the opportunity to do business at their local bank.

I contacted the Department of Education about the possibility of a waiver or alternative

to this detrimental mandate. The Department stated, " \* \* \* lender audits are required by statute \* \* \*" and that the " \* \* \* statute does not provide authority for the Department to waive the annual audit based on the size of the lender's FFEL portfolio or the cost of the audit." Furthermore, according to the Department of Education's Office of the Inspector General, lender portfolios totaling less than \$10 million do not even have to send their audit to the Department for review. They are only required to " \* \* \* hold the reports for a period of 3 years and shall submit them only if requested." That means lenders waste thousands of dollars on a compliance audit that is never sent anywhere or reviewed by anyone. I have no doubt that protecting the integrity of the Student Loan Program is important to all of us. However, this current situation does not protect any portfolios under \$10 million because no one reviews the results of the audits.

The Office of the Inspector General at the Department of Education has also expressed concern regarding this burden in their semi-annual report (October 1993-March 1994) stating, " \* \* \* we are concerned that the cost may outweigh the benefits of legislatively required annual audits of all participants, regardless of the size of participation or the risk they represent to the program." In this report the Inspector General recommends that a threshold be established for requiring an institutional audit, " \* \* \* and we continue to believe that a threshold is necessary for both the institutional and lender audits. Such a threshold would eliminate the audit burden for the smaller participants in the program while helping assure that scarce departmental resources are focused on the areas of greatest risk."

The Ewing-Lewis bill works in concert with the Department of Education and the authorizing committee which have expressed the need for an audit threshold. This legislation will help the little guy in the student loan business and ensure consumer choice and convenience. Please support this sorely needed legislation.

#### INVESTMENT IN AMERICA ACT

#### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. TRAFICANT. Mr. Speaker, every session since coming to Congress in 1985, I have introduced a bill to reinstate a 10-percent domestic investment tax credit [ITC] for the purchase of domestic durable goods. I am reintroducing this bill today, and I invite all Members to become cosponsors.

Mr. Speaker, as you know, the Ways and Means Committee intends to overhaul tax policy during the 105th Congress. I believe my 10 percent investment tax credit bill should be considered as a part of that new tax plan.

The way this bill works, it couldn't be simpler. If an American businessman buys a domestic product like a new machine or computer to improve their business, the consumer can take a 10-percent tax credit if that product was made in America. If the consumer purchases a new American-made automobile or



truck, they can take a 10-percent tax credit. The tax credit would be worth up to \$1,000.

Investment tax credits are not new, but mine incorporates buy-American language to assist economic enhancement. I believe that repealing the investment tax credit in 1986 was one of the major reasons for the downfall in investment. As a result, American companies are competing with one hand tied behind their backs. Under my bill, at least 60 percent of the basis of the product must be attributable to value within the United States to take advantage of the credit. In other words, language the Commerce Department already uses to define an American-made product.

The purpose of the investment in America tax credit is to stimulate the economy by spurring consumers and businesses to purchase American-made goods to enhance our long-term competitiveness. I don't know of a simpler way to change our complex tax policy for the better. I have always argued that the social problems this country faces can be linked to the unfair and harmful trade and tax policies enacted by the Congress. The 105th Congress offers us a unique opportunity to make a difference in the direction this country is headed.

Mr. Speaker, I urge all Members to cosponsor my bill. As a Congress, we need to show the American people that we are sincere about making America a strong nation once again.

#### STATEMENT ON THE TRANSITION TO WORK ACT

**HON. BARBARA B. KENNELLY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mrs. KENNELLY. Mr. Speaker, I am introducing legislation today to help Americans with disabilities return to work. The Transition to Work Act would provide Social Security Disability Insurance [SSDI] recipients with three important bridges to employment. First, continued Medicare coverage for those leaving the rolls for work; second, a disabled worker tax credit to cushion the loss of disability benefits and to make work pay; and third, greater choice in vocational rehabilitation providers. The legislation is supported by the Arc, the American Rehabilitation Association, the American Association of University Affiliated Programs, American Network of Community Options and Resources, American Psychological Association, American Speech-Language-Hearing Association, Bazelon Center for Mental Health, International Association of Business, Industry and Rehabilitation, National Easter Seal Society, National Multiple Sclerosis Society, the United Cerebral Palsy Association, and Jerry Mashaw, chairman of the Disability Policy Panel of the National Academy of Social Insurance [NACI]. The proposal is based on the work incentive recommendations of the NACI Disability Policy Panel.

The primary barrier confronting many Americans with disabilities attempting to leave the SSDI rolls for work is the fear of losing health coverage. The Transition to Work Act would alleviate this anxiety by guaranteeing contin-

ued Medicare coverage for at least 6 years after an individual first leaves SSDI for work, this is a 2-year extension over current law. Furthermore, after that time period, the legislation would allow an individual to buy-in to Medicare part A based on a capped, income-related premium. Beneficiaries would pay 10 percent of earnings in excess of \$15,000 for the Medicare buy-in premium, those earning less than \$15,000 would continue to get Medicare part A free. This new Medicare coverage extension and buy-in would assure disabled Americans that their health coverage would not be pulled out from under them if they return to work.

Second, we must recognize that there is little incentive to make the transition to employment if work pays little or no more than disability insurance. For this reason, the Transition to Work Act would establish a new refundable tax credit to supplement the Earned Income Tax Credit [EITC] for individuals leaving the disability rolls for work. The maximum annual credit for an individual without children would be \$1,200 and would phase out at \$18,000 in earned income. The new credit would be especially helpful to individuals without children since their current EITC is relatively small, only \$306 a year.

And, finally, the legislation would provide SSDI recipients with a "Ticket for Work Opportunity" that could be used to purchase either private rehabilitation or State vocational rehabilitation [VR] services, replacing the current system which automatically refers individuals to the State VR agency. Under this new system, which would be implemented first as a demonstration project, providers of VR services would get paid for results, not services. Providers would receive one milestone payment upon an individual's initial placement into employment, and then for 5 years thereafter would receive 50 percent of the amount the DI trust fund is saving because an individual has left the rolls for work. Payments to providers would actually occur in the second through sixth years of employment since individuals still receive cash disability payments during their first year of employment. Not only would this proposal increase the overall availability and choice of vocational rehabilitation services for disabled Americans, but it would also guarantee that payment for those services reflect savings to the SSDI trust fund.

Let me say that it is no easy task for Americans to leave the disability rolls for work. After all, these same individuals were forced to leave employment because of the severity of their disability. However, we can and should do more to help disabled individuals make the transition back to employment. Every SSDI recipient we help return to work, means one more person attaining a higher standard of living. In addition, it also means fewer dollars leaving the Social Security trust fund. I hope my colleagues will join me in this effort to reduce the barriers facing those with disabilities who want to return to work. A more detailed description of the legislation follows this statement.

#### THE TRANSITION TO WORK ACT OF 1997 DETAILED DESCRIPTION OF PROVISIONS

The Transition to Work Act would: (1) extend Medicare coverage for an additional two years and provide for an income-related

Medicare buy-in thereafter; (2) create a Disabled Worker Tax Credit; and (3) demonstrate the effectiveness of encouraging people to work through Tickets for Work Opportunity.

#### Continued Medicare coverage and improved Medicare buy-in

Under current law, a beneficiary who goes back to work is entitled to up to 39 months of continued Medicare coverage. That 39 months begins after the 9 months of trial work during which the individual also continues to receive both cash benefits and Medicare. After a 3-month grace period, cash DI benefits cease.

The proposal would extend the continuation of Medicare for an additional 2 years. As under current law, no cash benefits would be paid during this continuation period. As a result of the plan, Medicare would continue for a total of 6 years after the beneficiary first began to work. This would eliminate one of the largest disincentives to work.

After the individual had retained employment and his Medicare continuation coverage had ended, he would be permitted to purchase Medicare coverage based on an income-related premium. The premium would be 10% of the individual's earnings in excess of \$15,000. The premium would be capped at the maximum premium under current law.

Current law allows disabled and other individuals to purchase Medicare coverage. DI beneficiaries may purchase Medicare Part A Hospital Insurance at the full actuarial cost of coverage. In 1997, that amount is \$3,732 annually. Beneficiaries may purchase Medicare Part B at the same premium as other enrollees—about \$526 a year in 1997. Under current law, the HI premium is reduced for former beneficiaries who have at least 30 quarters of Social Security coverage. Under current law, the reduction in the premium will be fully phased in by 1998. In 1998 and thereafter, the reduction will be 45% of the premium for HI. Under current law, State Medicaid programs may purchase Medicare HI coverage for low-income former beneficiaries known as "Qualified Disabled and Working Individuals."

#### Disabled worker tax credit

The plan would offer a refundable Disabled Worker Tax Credit (DWTC) to encourage DI beneficiaries to leave the rolls and return to work. To encourage work and cushion the loss of benefits, the credit would be available to DI beneficiaries whose benefits had ceased due to work. The DWTC would provide a modest supplement to the Earned Income Tax Credit (EITC). Like the EITC, the credit would increase as earnings increased up to a maximum credit; would plateau at a level designed to make work more financially rewarding than collecting disability benefits; and would phase out thereafter.

The DWTC for a person with no children would increase until earnings reached \$8,000 and would be phased out completely at \$18,000. This would provide a maximum credit of \$1,200 annually in addition to the current EITC of \$306. The credit for a worker with one child would peak at \$7,000 of earnings and phase out at \$25,800. The maximum credit would be \$500 annually in addition to the EITC of about \$2,100. Finally, the credit for a worker with two children would peak at about \$10,000 and would be phased out at about \$29,000. The maximum credit would be \$750 annually in addition to the current EITC of \$3,560.

#### Tickets for work opportunity

The Commissioner of Social Security would be required to establish a Transition

to work demonstration program in as many localities as she deems appropriate. Under the Transition to Work program, Social Security Disability (DI) beneficiaries would be encouraged to return to work through Tickets for Work Opportunity (TWO). The TWO could be used by beneficiaries to seek out those providers of rehabilitation services who would most effectively help them to return to work. The individual could choose to receive services from a private provider or from the State vocational rehabilitation (VR) agency.

Under current law and policy, Social Security Disability Insurance (DI) beneficiaries are referred to State VR agencies for rehabilitation when the Disability Determination Service determines that the beneficiary would be eligible for VR services in that State. A DI beneficiary who refuses such services may lose his or her benefits. State VR agencies are reimbursed for the cost of rehabilitation after the individual has been gainfully employed for nine months. Under the current system, less than 1% of DI beneficiaries return to work.

The Ticket for Work Opportunity would offer beneficiaries additional options for rehabilitation services. Furthermore, both public and private providers would have an incentive to seek out beneficiaries to help them leave the disability rolls. Under the plan, the TWO would be provided automatically to those persons most likely to return to work—to new beneficiaries and to those who are notified of the commencement of a continuing disability review (CDR). All other DI beneficiaries would have the option to participate in the TWO plan.

Beneficiaries would present the TWO to a public or private provider of vocational rehabilitation services. Payment would be made by the Commissioner of the Social Security Administration to the provider for successfully returning the beneficiary to work. A milestone payment would be paid to the provider when the beneficiary was placed in employment and began to work. When the individual had engaged in Substantial Gainful Activity (i.e., earnings exceeded \$500 a month) throughout the 9-month trial work period and his or her benefits ceased, the provider would receive 50% of the savings which accrued to the Disability Insurance Trust Fund. Providers would receive payments on a quarterly basis. The Commissioner of Social Security would be permitted to alter the percentage or the period of the payments if she determined that the incentive was not adequate to return beneficiaries to work.

The Social Security Administration would certify providers. Providers would be defined to include a broad range of rehabilitation services include job training, liaison and placement. The Commissioner would be required to provide beneficiaries with a list of providers of vocational rehabilitation services available in each locality.

The vocational rehabilitation provider and the beneficiary would jointly develop an individual transition to work plan. The plan would take effect upon approval by the beneficiary.

## THE AMERICAN ASSISTANCE ACT

**HON. GEORGE P. RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. RADANOVICH. Mr. Speaker, I rise to introduce the Armenian Assistance Act. This bill

is designed to assist Armenia and her people with an ambitious and progressive plan, similar to the successful program Operation Flood of India, to reconstruct sagging agricultural markets.

Ultimately, if Armenia is able to feed itself, its people will directly benefit from improved public health and nutrition standards. Improvement to Armenian's agricultural sector, specifically in the area of wheat seed development, is in the direct strategic interest of the United States and our desire to secure the advantages of a stable Caucasus region. Further, this bill will help empower Armenians in their bid for reform, likely establish new markets for United States products, and it specifically will enhance the exporting of United States agricultural products.

However, in introducing this bill, I am not proposing additional burdens for America's hardworking taxpayers nor proposing that we neglect America's precious farmland. Our people and farmers deserve more responsible representation. I recognize the need to harness the waste and dated programs contained within past foreign aid budgets. Therefore, I have pursued creative measures for striking a balance between the issue of controlling foreign aid and the need to help Armenia.

Allow me to clearly outline what this bill will do:

First, empower the private sector transition in Armenia toward a market economy, and likely establish new markets for the United States by strengthening our consumer buying power in Armenia.

Second, enhance the exporting of U.S. agricultural products.

Third, assist to coordinate activities with the U.S. Department of State, and help to establish a monitoring system in the Caucasus region for zoonotic diseases, which are transmissible from animals to humans. These diseases have no boundaries and are apt to cause major public health problems throughout the region, and furthermore are easily spread to Europe.

If this bill is passed, it is my intention to request that the agricultural renewal program in Armenia be implemented by the Armenian Technology Group [ATG], a nonprofit organization based in Fresno, CA. Over the past several years, ATG has been involved in similar programs in the area. It should be noted that, 80 percent of the organization's operational funding has been generated from the private and public sectors, and only 20 percent from U.S. Government sources. ATG has been effective in implementing its programs by working directly with the people of Armenia, in assisting them in their transition toward market economy, and in helping build democracy from the bottom up. I have enclosed for the RECORD specific figures on ATG's contributions and investments in the agricultural sector of the Republic of Armenia.

You may recall in the 104th Congress that the Government of Turkey was appropriated \$22 million in economic support aid. Initially, the aid was dependent on Turkey's long-awaited recognition of the Armenian Genocide. A belligerent Ankara reacted to the House genocide clause, a reasonable amendment which I was privileged to introduce and lead in eventual passage in the House, by telling the

United States State Department and the United States Congress that Turkey would not accept United States aid with preconditions such as recognition of the Armenian Genocide. Amazingly, Turkey was given the support and was not asked to recognize the genocide. All this despite their declaration to decline United States economic aid, while countries such as Armenia were in desperate need of financial support.

The Armenian Assistance Act proposes to redirect the \$22 million or any remaining amount not yet obligated from the fiscal year 1997 Foreign Appropriations Act in economic support aid for Turkey, and transfer those funds to Armenia for agricultural development. I'm certain Armenia has been, and will continue to be, grateful for the support of the United States Government and the American taxpayer.

### ARMENIAN TECHNOLOGY GROUP, INC.

[ATG Sponsored Contributions and Investments in the Agricultural Sector of the Republic of Armenia 1989-1996]

Contributions/Donations Per Sector	Amount USD	Percentage
ATG Contributions:		
Private Sector Donations	\$11,695,672	58.13
In-Kind Professional Services	3,751,456	18.65
Cash Contributions	586,468	2.92
U.S. Government Support:		
USAID Grants/Sub-Grants	2,948,226	14.66
Transportation Costs	1,025,000	5.10
UNHCR Grants	115,010	0.58
Total	20,121,832	

### THE PRESIDENT'S CALL FOR INDISPENSABLE LEADERSHIP—JANUARY 21, 1997

**HON. MAJOR R. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. OWENS. Mr. Speaker, President Clinton's inaugural address was not a State of the Union speech obligated to provide substance for general proposals. Appropriately, the President used his second inaugural statement to set a tone for the next 4 years, the prelude to the 21st century. America is a great country blessed by God with wealth far surpassing any Nation on the face of the Earth now, or in the past. The Roman Empire was a beggar entity compared to the rich and powerful Americans. God has granted us an opportunity unparalleled in history. President Clinton called upon both leaders and ordinary citizens to measure up to this splendid moment. The President called upon all of us to abandon ancient hatreds and obsessions with trivial issues. For a brief moment in history we are the indispensable people. Other nations have occupied this position before and failed the world. The American colossus should break the historic pattern of empires devouring themselves. As we move into the 21st century we need indispensable leaders with global visions. We need profound decisions.

### INDISPENSABLE NATION

Under God, The indispensable nation. Guardian of the pivotal generation, Most fortunate of all the lands, For a brief moment, The whole world we hold in our hands, Inter-act sorcery computer magic, Tiny spirits



make opportunity tragic. We are the indispensable nation, Guardian of the pivotal generation. Millionaires must rise to see the need. Or smother beneath their splendid greed. Capitalism is King. With potential to be Pope, Banks hoard gold. That could fertilize universal hope. Jefferson Lincoln Roosevelt King. Make your star spangled legacy sting. Dispatch your ghosts. To bring us global visions, Indispensable leaders, Need profound decisions, Internet sorcery computer magic, Tiny spirits make opportunity tragic. We are the indispensable nation. Guardian of the pivotal generation. With liberty and justice for the world, Under God.

**SUPPORT GREATER MEDICARE EQUITY AND FAIRNESS BY REFORMING THE AAPCC PAYMENT FORMULA**

**HON. JIM RAMSTAD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. RAMSTAD. Mr. Speaker, I rise today to introduce legislation to respond to an issue of great importance to Medicare beneficiaries and health care providers in my district and throughout the country—reforming the payment for Medicare risk-based managed care plans.

Currently, Medicare payments to risk-based health care plans are calculated on the basis of Medicare spending in each county's fee-for-service section—medical care outside of managed care plans. The variation in the adjusted average per capita cost [AAPCC] formula reflects different utilization of health care services.

In 1996, Dr. John E. Wennberg, the director of the Center for the Evaluative Clinical Studies at Dartmouth Medical School, published "The Dartmouth Atlas of Health Care." The atlas shows that the rates of hospital beds and physicians per 1,000 residents determines how much care Medicare beneficiaries use. Revising the highly variable AAPCC payment formula will result in greater equity for Medicare beneficiaries regardless of where they live, allowing choices among plans and more equitable distribution of out-of-pocket costs and additional benefit packages.

Because of the need to correct the inequity in the AAPCC payment formula for millions of Medicare beneficiaries, I strongly supported changes to the formula during consideration last session of the Medicare Preservation Act. Regrettably, congressional efforts to reform the geographic disparity and inequities in the AAPCC formula were denied by the stroke of the President's veto pen.

The legislation I am introducing today narrows the AAPCC payment gap between rural and urban areas in a budget neutral fashion. At a minimum, a county would receive 80 percent of the national input-price-adjusted capitation rate. This change helps reflect the true cost of doing business, taking into consideration uncontrollable factors such as wage rates or supply costs. The language also implements a 3-year average for the baseline rather than 1 year. This change provides greater representation of historical health care costs for an area. This bill is based on the

Physician Payment Review Commission's "1996 Annual Report to Congress."

When the Health Care Financing Administration [HCFA] released the 1997 payment rates for Medicare managed care plans, the agency told us that payments nationally to Medicare-managed care plans would increase an average of 5.9 percent as of January 1, 1997—significantly lower than the 1996 national average increase of 10.1 percent.

This is good news in terms of the solvency of the Medicare trust fund—we need to slow the rate of growth of Medicare spending to stave off its imminent bankruptcy. The bad news is that this average increase reflects wide variation in percentage increases from county to county. Four counties: Valencia, N.M.; and three New York State counties Bronx, Monroe and New York, actually will receive negative growth—real decreases. Because the actual dollar variations are also extreme, many low-payment areas get a double whammy—lower percentage increases off a lower base.

This situation continues a trend inherent in the flawed payment formula. The following table illustrates the vast variation between counties across the country. I believe it is important to point out that even though the 1996 AAPCC payment increased an average of 10.1 percent not all counties shared in the bounty of that increase. The same is also true for the 1997 AAPCC payments.

Counties that typically lost ground were those in efficient markets and rural counties with historically lower reimbursement rates. Because of these lower payment rates and lower annual increases, these regions will continue to lack the ability to attract managed care options to their area or offer enhanced health care benefits often found in higher payment communities.

**MONTHLY PAYMENT RATES TO MEDICARE-MANAGED CARE PLANS**

Area/county	1995 payment	1995 percent increase	1996 payment	1996 percent increase	1997 payment	1997 percent increase
National average	\$400	5.9	\$440	10.1	\$466	5.9
Richmond, NY	668	6.2	758	13.4	767	1.1
Kern, CA	439	5.8	478	8.9	512	7
Hennepin, MN	359	2	385	7.6	405	4.8
Tulare, CA	333	2.9	360	7.9	390	8.4
Vernon, WI	209	6.6	237	13.2	250	5.5

The payment rates also illustrate the overall instability and unpredictability of AAPCC's—factors that discourage health plans from entering new markets and remaining in other markets.

If there is a silver lining to HCFA's release of the 1997 risk-based managed care payment rates, it was contained in Dr. Vladeck's remarks: "The formula used to set HMO payment rates is flawed. It shortchanges rural areas and markets where care is delivered more efficiently, and may limit beneficiary choice."

Dr. Vladeck's comments indicate HCFA's understanding of the inequity in the current AAPCC formula and the need for change if we are to offer all Medicare beneficiaries true choices in the type and form of health care they want to receive. I see this as a signal that in the months ahead we can work in a bipartisan, pragmatic way to improve the AAPCC payment formula.

Mr. Speaker, correcting the AAPCC payment formula is vital. The 105th Congress has the opportunity to make the formula more equitable. I look forward to working with you and my colleagues on the Committee on Ways and Means to make the needed changes to the AAPCC payment formula. The longer we continue to use the current formula, the longer efficient health care markets will be penalized and rural areas will lag behind, leaving many Medicare beneficiaries with fewer choices.

**CURT FLOOD: AN UNCOMMON MAN**

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. CONYERS. Mr. Speaker, 1 month ago, I introduced legislation repealing baseball's antitrust exemption. The bill was designated H.R. 21, in honor of Curt Flood's number when he played for the St. Louis Cardinals.

In an era when the terms hero and courage are used all too frequently, Curt Flood stands out as the genuine article, a true inspiration to all Americans who care about economic and social equality. I am attaching a letter from President Clinton and several articles written which describe his career and reiterate these very points.

Most of us are well aware of the courage Curt Flood displayed when he refused to accept being traded to the Philadelphia Phillies. His letter to then Commissioner Kuhn cut directly to the core of the issue:

After 12 years in the Major Leagues, I do not feel that I am a piece of property to be bought and sold irrespective of my wishes. I believe that any system which produces that result violates my basic rights as a citizen and is inconsistent with the laws of the United States and the several states.

Although Curt Flood lost his legal battle challenging baseball's antitrust exemption, the public recognized the moral validity of his arguments—he was not a piece of property. His case paved the way for free agency in all professional sports. A national poll taken in the wake of *Flood v. Kuhn* showed that fans opposed the reserve clause, which bound players to teams for life, by an 8 to 1 margin.

And while thousands of athletes have subsequently benefited from free agency, Curt Flood paid a heavy price for his decision to take on the baseball owners. The 3-time all-star and 7-time Gold Glove Award winner played only 13 more games before being forced out of baseball.

Less well known is the fortitude Curt Flood displayed in fighting racial intolerance. At the same time Jackie Robinson was breaking the color barrier with the Brooklyn Dodgers, Curt Flood was facing the Jim Crow laws as the sole black man playing for the High Point, NC Hi-Toms.

He alone was barred from gas station restrooms. Only Curt Flood was forced to eat at the kitchen door while his teammates were served in the dining room. And when he played a doubleheader, he experienced only greater humiliation. As he explained to Ken Burns:

After the end of the first game you take off your uniform and you throw it into a big pile. . . . [But the clubhouse manager] sent my uniform to the colored cleaners which was probably 20 minutes away and there I sat while all the other guys were on the field. [The crowd has] really been giving me hell all day long, and now I'm sitting there stark naked waiting for my uniform to come back from the cleaners and the other guys were out on the field. So finally they get my uniform back and I walk out on the field . . . boy you'd think that I had just burned the American flag.

Curt Flood's talents and goodwill extended well beyond baseball. He ran a foundation to benefit inner-city youngsters. An accomplished painter, his portrait of Martin Luther King hangs today in Corretta King's living room.

In the end, we will remember Curt Flood for having the courage to tell America what should have been plain and obvious all along. Discrimination is wrong. People—even athletes—are not property. Baseball is a business and should be subject to the competition laws.

A few days before Curt Flood died, I wrote him, suggesting that if the legislation I introduced in his honor was to pass into law, he should come to the White House signing ceremony. That can't happen now, but I know his indomitable spirit will be with us as we continue his fight for equality and fairness. I know all Members—and indeed all professional athletes—join me in mourning this courageous man.

THE WHITE HOUSE,

Washington, DC, January 24, 1997.

Mrs. CURT FLOOD,  
4139 Cloverdale Ave.,  
Los Angeles, CA.

DEAR MRS. FLOOD: Hillary and I were saddened to learn of your husband's death, and we extend our deepest sympathy.

Curt Flood was a man of extraordinary ability, courage, and conviction. His achievements on the field were matched only by the strength of his character. While there are no words to ease the pain of your loss, I hope you can take comfort in the knowledge that Curt will be remembered by so many Americans as one of baseball's finest players and a lasting influence on the sport he loved so much.

We hope that the loving concern and support of your family and friends will sustain you during this difficult time. You are in our thoughts and prayers.

Sincerely,

BILL CLINTON.

[From the Washington Post, Jan. 22, 1997]

QUITE SIMPLY, A HERO

(By Thomas Boswell)

Every few years, Curt Flood would reappear. Maybe that was so we could compare his fast-aging and haggard face with the laughing ballplayer's mug that he'd worn in the 1960s, before he took baseball to the Supreme Court.

We won't be able to read the cost of making history in that face any more. Flood died of throat cancer Monday at 59. It was Martin Luther King Jr. Day. Of all the figures in sports in the last generation, perhaps only Flood could die on the anniversary of a martyr's death and have it seem a fitting memorial.

For a few days perhaps we can remember the difference between a real rebel—one who takes risks for the sake of a genuine cause—

and our phony, look-at-me rebels who only stand for the cover shoot of their next autobiography.

Rebellion that's worthy of the name isn't about attitude. The rebel to whom our respect and our heart goes out is the one, such as Flood, who never in this world wanted such a job. He just had the mixed fortune to see what was right and act on it, knowing the cost to himself.

"Baseball players have lost a true champion," said players union head Donald Fehr on Monday. "A man of quiet dignity, Curt Flood conducted his life in a way that set an example for all who had the privilege to know him. When it came time to take a stand at great personal risk and sacrifice, he stood firm for what he believed was right."

Flood had the brains and the sense of justice to understand that baseball's employment system was basically unfair. However, by temperament, he was completely unsuited to a public brawl that lasted for years. He was as distressed by conflict as Fehr is invigorated by it. And Flood's torment always showed.

When he arrived in Washington in 1971 after sitting out a season, he played only 13 games for the Senators. You couldn't tell if his Gold Glove, all-star skills were just fading fast or whether the Flood case was eating him inside. At RFK Stadium, some of us cheered. But enough booed to let Flood know that, for him, no place was home. On the road, he was vilified as a traitor who wanted to ruin the national pastime.

Back then, memories of Black Power salutes were in the air. So Flood, thoughtful but never extreme, was pigeon-holed as radical. All he said was that he was sick of being treated—and traded—"like a piece of meat." How could America sanction a system where a team owned a man for his whole career?

After batting .200 in 35 at-bats, Flood fled. Hard as it may be to believe these days, Flood didn't want fame. He flinched when talking about himself and even admitted that he loathed the thought that he might be hurting his sport.

For years, Flood disappeared from the public scene, often living in Europe. In 1972 Flood v. Kuhn, the Supreme Court upheld baseball's right to antitrust immunity. Flood had fought the law and, temporarily, the law won.

"You have to understand that if you do what I did to baseball, you are a hated, ugly, detestable person," he said, explaining his self-imposed exile. This week, Hank Aaron said simply, "Flood was crucified for taking his stand."

By 1976, free agency had arrived and the justice of Flood's stand against the reserve clause was vindicated. But Flood stayed on the island of Majorca. Finally, two years later, he put his toe back into baseball gingerly, as a radio announcer for the Oakland A's for one season. He looked like a shy, hyper-sensitive ghost of himself. Though only 41, he seemed far older. His wounds were deep. His sense of isolation was almost palpable.

Many in the game respected Flood's pain, regarding him like a soldier who'd suffered shell shock in a necessary battle. Nobody, however, had a name for his fragile condition. He hadn't exactly become an eccentric. But whenever you saw him at a ballpark, he seemed raw-nerved and weighted down, like a man who'd seen something—seen it clearly and undeniably—and couldn't begin to get over it.

Finally, in 1994 Flood stood before the cameras again briefly during the players

strike. Ostensibly, he was part of a possible new league called the United Baseball League.

Really, he took the stage to give modern players some backbone. The message was subliminal: This guy bucked the system for all of you. Maybe baseball put him on the rack and cracked him to a degree. So when an owner sneers about breaking the union, have a little guts. The money in your bank account came out of this guy's peace of mind.

Flood's legacy remains a tangled one. You could say he did the groundwork so athletes could make more money than anybody deserves. Flood laid the cornerstone of the Shaq Fu mansion, so to speak. Flood helped make a world where Brett Favre knows nobody will mock the Superman tattoo on his biceps; self-infatuation is so routine, nobody even notices anymore. Could Dennis Rodman be as "Bad As I Wanna Be" without his \$7 million salary? If you kick somebody, peel off a big stack of Grover Cleveland. No problem. Thanks, Curt.

Cynics will say that Flood stood for something so that those who followed him could afford to stand for nothing.

That, however, is not Flood's fault. By helping athletes make market salaries for their services, he allows them to live on a bigger scale. We hear about the jerks. But the fools are still in the minority. More athletes are like Darrell Green of the Redskins, who was chosen this week as the NFL's Man of the Year for his charity and community work.

For some of us, Flood should be a daily tonic. Maybe he'll shame us into using the language more precisely when we describe our famous athletes.

When we use "courage" to describe a quarterback who takes a pain-killing shot, maybe we'll blush. When we call someone who makes a jump shot at the buzzer a "hero," maybe we'll be just a bit abashed. If that is heroism, what word have we reserved for people such as Flood?

And when we say losing the World Series is "tragic," perhaps we'll think of the last 28 years of Flood's life—and the price he paid for following his conscience. Then, our perspective sharpened, maybe we'll choose a better word.

[From the New York Times, Jan. 21, 1997]

REMEMBERING FLOOD, A MAN FOR ALL SEASONS

(By Murray Chass)

In a recent letter to Frank Slocum, executive director of the Baseball Assistance Team (B.A.T.), Curt Flood wrote, "The 1996 holiday season brings mixed feelings of joy and sadness. Therefore, we'll take the advice that mother Laura gave to me when I was a kid. She'd say 'Start counting your blessings, Squirts, by the time you've finished, you won't have time for anything else.'"

Flood, who was 59, died yesterday after a yearlong battle with throat cancer, and it is the players who came after him in the major leagues who should count their blessings for having had a man of his stature and dignity and courage precede them.

Professional athletes, for the most part, live for their time. They generally don't care what happened before them and, worse, they often don't know. Sadly, many baseball players wouldn't even be able to identify Flood, wouldn't even know that he was the forerunner of Andy Messersmith, another name they wouldn't recognize for the impact he had on their lives.



But that day in Atlanta in the last month of 1994, the players in the meeting room of the players association executive board knew about the man who was to speak to them. They saluted him with a standing ovation before he spoke.

"It almost made me forget what I was going to say," Flood said afterward. "It caught me a little short. I felt a lump in my throat."

Flood was in the room that day in his capacity as vice president of the United Baseball League, a venture that did not reach fruition. Twenty-five years earlier, in 1969, he appeared before another Players Association executive board seeking support for the task he was about to undertake. The St. Louis Cardinals, for whom he had played for 12 years, had traded him to the Philadelphia Phillies, and he didn't want to go.

Richard Moss, who was the union's general counsel at the time, recalled yesterday that Flood came to him and Marvin Miller, the head of the union, and told them he wanted to challenge the system that he said "treated people like they were pieces of property."

"Marvin and I weren't sure if he was serious, if he had some other agenda," Moss said. "We arranged for him to come to the board meeting in Puerto Rico. The idea was to let him talk to the board and convince them that he was for real, that he really believed this and he was sincere."

With the board's support, Flood took his challenge all the way to the United States Supreme Court. He lost, but his effort eventually emboldened other players, Messersmith in particular. Unfortunately, besides losing the case, Flood saw his career die. After sitting out the 1970 season, he played briefly for the Washington Senators in 1971.

He knew he wasn't the same player he had been, and he walked away from the only job he had known. A pariah in an owner-dominated business, Flood was not welcome to wear a baseball uniform. Instead, he drifted from country to country, first to Majorca, where he opened a bar and became an alcoholic, then back to the United States, then to Sweden, then back home again.

In recent years, Flood operated a youth center in Los Angeles. He enjoyed working with children. He would have enjoyed working with young professional baseball players, too, but he never had the opportunity. Nevertheless, he retained his dignity and, in the last year, his courage.

Yesterday, Joe Garagiola, president of B.A.T., recalled that he testified for baseball in Flood's lawsuit. "I thought if the reserve clause went, baseball was going," Garagiola said. "I was so wrong I can't begin to tell you. It took a lot of guts for him to do what he did."

Garagiola's organization had helped Flood in the last year, and Moss, whom Flood always identified as his lawyer, had planned to appear before the B.A.T. board tomorrow morning to express Flood's appreciation for the assistance. Instead, Moss made plans to return to Los Angeles.

In his letter to Slocum, Flood also wrote, "Say this: 'Curt accomplished every goal that he set for himself, and simply moved on.'"

He didn't gain a victory 25 years ago, and in his career he didn't achieve statistics that were good enough for the Hall of Fame. But when Flood's name first appeared on the Hall of Fame ballot, this voter marked an 'X' next to it in a symbolic gesture. No one was ever more worthy of such recognition.

# EXTENSIONS OF REMARKS

[From the New York Times, Jan. 21, 1997]  
CURT FLOOD IS DEAD AT 59; OUTFIELDER  
DEFIED BASEBALL  
(By Joseph Durso)

Curt Flood, the All-Star center fielder for the St. Louis Cardinals in the 1960's who became a pioneering figure in the legal attack on baseball's reserve clause that foreshadowed the era of free agents, died yesterday in Los Angeles. He was 59.

Flood died at the U.C.L.A. Medical Center, where he had been a patient in recent months, after developing pneumonia. He had been suffering from throat cancer since last spring.

At bat and especially on the field, Flood was an outstanding player for a dozen years with the St. Louis Cardinals, a center fielder who won the Gold Glove for fielding excellence seven years in a row in the 1960's and batted over .300 six times.

But it was his stiff resolve regarding the unfairness of baseball's virtually enslavement of players and his courage in challenging a system that perpetuated this condition that carried Flood beyond baseball.

It all crystallized when the Cardinals traded Flood to the Philadelphia Phillies after the 1969 season and Flood refused to go. Represented by Arthur J. Goldberg, former Associate Justice of the Supreme Court and United States Ambassador to the United Nations, Flood triggered a legal war that shook baseball.

Flood actually lost the battle in Federal District Court in New York when the judge suggested that the players and club owners negotiate the issue. But almost six years later, he won the war when other baseball players successfully sued and broke from the "reserve system," which for almost a century had bound a player to his team year after year.

As a result, before another generation had passed, salaries in all sports soared, teams sought salary caps to contain the damage to their payrolls and large cities were required to pay small cities millions in compensation.

The solitary figure who prompted this revolution, Curtis Charles Flood, was born in Houston on Jan. 18, 1938, but was raised in Oakland. He was short and skinny, but he signed his first professional contract while still a senior at Oakland Technical High School.

After two years in the minor leagues and briefly with the Cincinnati Reds, he was traded in 1958 to St. Louis, where he played for the next 12 seasons and three times played in the World Series—against the New York Yankees in 1964, the Boston Red Sox in 1967 and the Detroit Tigers in 1968.

His talents were unquestioned. During a career that lasted from 1956 to 1971, he batted .293, stole 85 bases, appeared in three World Series and reigned in center field for 12 years for the Cardinals.

During one span, he played in 226 consecutive games without committing an error and in 1966 went the entire season without committing an error and in 1966 went the entire season without making a misplay. He even became a portrait artist of some talent who was commissioned to paint August A. Busch Jr., the owner of the Cardinals, and his children in oils.

At the peak of his career, though, the man with the flawless glove misjudged a line drive, cost the Cardinals the 1968 World Series and supplied a regrettable footnote to the 1968 World Series against Detroit.

The Tigers and Cardinals were tied at three games apiece with Bob Gibson facing Mickey Lolich for the championship in St.

Louis in Game 7. They were scoreless for six innings. Then in the Tiger seventh, Gibson retired the first two batters. But after two singles, Jim Northrup followed with the hard drive to center.

Flood lost sight of the ball momentarily, took a couple of steps in toward home plate, reversed direction and slipped while the ball carried over his head for a triple and two runs. The Tigers won, 4-1, and captured the Series.

After the game, Tim McCarver stood in the rubble of the Cardinals' locker-room regret and called out, "Curt Flood, you're beautiful."

But a year later, the Cardinals slid into fourth place and Busch cleaned house. In one blockbuster trade, he sent Flood, McCarver and Joe Hoerner to Philadelphia for Richie Allen, Cookie Rojas and Jerry Johnson. But Flood sued for his freedom from a system that "reserved" players to their teams and that had won exemption from the antitrust laws as far back as 1922.

The trial opened May 19, 1970 before Judge Irving Ben Cooper in the United States Court House in lower Manhattan. The defendants included Commissioner of Baseball Bowie Kuhn, the presidents of the National and American Leagues and the Chief executive of all 24 teams then in the big leagues. They were being challenged by a 32-year-old outfielder who was making \$90,000 a year but was determined not to be traded without his consent. When he was asked which team he wanted to play for, he testified, "The team that makes me the best offer."

The "reserve clause" in contracts was not toppled during the trial, but it came under sustained attack. Marvin Miller, executive director of the players association, described how baseball contracts tied the player to his club forever and said, "The player has no say whatsoever in terms of what conditions he plays under, always bearing in mind he has the one alternative: He may decide to find a different way to make a living."

The trial consumed 10 weeks, 2,000 pages of transcript and 56 exhibits. Judge Cooper suggested that "reasonable men" could find a solution outside court and ruled: "We are convinced that the reserve clause can be fashioned so as to find acceptance by player and club."

Flood, who sat out the 1970 season, did not think so. He signed with the Washington Senators in 1971 for \$110,000, but after two months suddenly quit and flew to Europe.

When the case was appealed to the Supreme Court, the justices—in a 5-3 ruling—supported the District Court and the Court of Appeals and left the "reserve clause" undisturbed. But Curt Flood had set the stage for the revolution that followed in 1976, and generations of free agents poured through.

"Baseball players have lost a true champion," the players' union head, Donald Fehr, said yesterday. "When it came time to take a stand, at great personal risk and sacrifice, he proudly stood firm for what he believed was right."

## TRIBUTE TO BRIAN D. GALLAGHER

### HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. YATES. Mr. Speaker, I'm proud to report to the House that my constituent, Mr.

Brian D. Gallagher of Evanston, IL, was graduated from Loyola University (Chicago) Law School on January 11, 1997, with a degree of LL.M. in child law. Mr. Gallagher is the first recipient of this advanced degree in the country.

While attending Loyola Law School in the evenings, Mr. Gallagher served the people of Cook County and the State of Illinois as an assistant to the commissioner of the Metropolitan Water Reclamation District of Greater Chicago.

Mr. Gallagher looks forward to using his new degree to continue his career of public service and I wish him every success in his future endeavors.

#### VOCATIONAL INDUSTRIAL CLUBS OF AMERICA WEEK

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. TOWNS. Mr. Speaker, I rise today to salute the New York City Chapter of the Vocational Industrial Clubs of America [VICA] which will celebrate Vocational Industrial Clubs of America Week in New York City, February 11-17, 1997. As a nationally recognized organization comprised of students, professional members, and dedicated teachers, the purpose of VICA is to provide educational and leadership opportunities for young people as they prepare for the 21st century.

Through the efforts of more than 12,000 student members in its New York City Chapters, VICA encourages improvement of vocational and leadership skills, scholarship, citizenship and community service. Moreover, through professional development activities, members learn how to work with others, hold office and direct the affairs of the group and how to compete honorably with colleagues on the local, state, and international levels.

During my tenure in the House of Representatives, I have also personally witnessed the hard work and dedication of members, such as Ms. Janice Jones and Mr. Jerome Jeffrey, who have graciously represented the East New York High School of Transit Technology Chapter of VICA at numerous community events within the 10th Congressional District.

Mr. Speaker, it is with great pleasure that I rise today to recognize the many years of invaluable assistance this organization has provided youth and the community-at-large. I ask my colleagues to join me in celebrating Vocational Industrial Clubs of America Week.

#### TRIBUTE TO THE HONORABLE FRANKIE M. FREEMAN

#### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. CLAY. Mr. Speaker, I rise to pay tribute to my friend and mentor, the Honorable Frankie Muse Freeman. On November 24, 1996, attorney Freeman celebrate her 80th

birthday. As a tribute to this noted legal champion and legendary figure, I declared November 24, 1996 as "Mrs. Frankie Muse Freeman Day" in the First Congressional District of Missouri. In further celebration of Mrs. Freeman's wonderful life, I commend her story to our colleagues.

Frankie Muse Freeman has been a practicing attorney for over 45 years and has held several trailblazing positions. These include Missouri attorney general, a commissioner of the U.S. Civil Rights Commission—to which she was nominated by President Lyndon B. Johnson—and inspector general of the Community Services Administration by President Jimmy Carter.

Over the years, Frankie Freeman has given exemplary leadership and dedicated services to numerous civic, cultural, and educational organizations and was one of the two United States representatives to the UN-ECA West African Housing Conference in Lome, Togo.

A graduate of Hampton University and Howard University School of Law, Mrs. Freeman is a member of the Mound City Bar Association, the National Bar Association, and the Bar Association of Metropolitan St. Louis.

Frankie Muse Freeman served as the fourteenth national president of Delta Sigma Theta Sorority, Inc., a public service sorority with over 190,000 members in over 870 chapters internationally.

In 1992 she was elected trustee emeritus of the Howard University Board of Trustees following 16 years as a member of the board.

Mrs. Freeman has also been an active and devoted member of the Washington Tabernacle Baptist Church and serves as treasurer of the church's scholarship fund.

For 52 years, Mrs. Freeman was the devoted wife of Shelby Freeman who died in 1991. She is dedicated to her daughter, Shelby Patricia, son-in-law, Ellis Bullock, three grandsons, and three great grandsons. Her family is bonded together with strength and love.

Again, I congratulate Mrs. Frankie Muse Freeman. I commend her for a long and illustrious career as an outstanding jurist of great character, leadership, and compassion. I further applaud her lifelong exemplary stand on justice and civil rights issues.

#### TRIBUTE TO LT. COL. JON T. ANDRE

#### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. SAXTON. Mr. Speaker, it is a great honor for me to pay tribute to Lt. Col. Jon T. Andre who, on January 31, 1997, retired from the U.S. Air Force after more than 24 years of dedicated service. During his distinguished career, Colonel Andre has served his country, the U.S. Air Force, and the community of McGuire Air Force Base with distinction and honor.

Over the past 6½ years, Colonel Andre served at McGuire AFB in New Jersey. It has been during this period that I have gotten to personally know and appreciate Jon's profes-

sional integrity and always positive outlook. In 1993, Jon was assigned as McGuire's principal liaison officer during the emotional and often contentious base closure and realignment process. Jon excelled under an extremely delicate and difficult situation, deftly handling the demands placed on him by both Air Force Headquarters and the local community which sought to retain McGuire AFB. His earnest, forthright approach earned him praise by all who came in contact with Jon during this period.

A native of Ludlow, MA, Colonel Andre entered the Air Force following his graduation from Holy Cross College in 1972. Although initially trained as an air weapons controller, Jon sought early in his career to work with people and improve the personal and professional relationships within the Air Force. Throughout his career, Colonel Andre has been involved with human relations and equal opportunity programs, gaining ever more responsibility and recognition with each promotion.

By all accounts, Colonel Andre's involvement with personal development-personal relations programs was a perfect match. He repeatedly distinguished himself in this field, earning both individual as well as group honors. Specifically, Jon's accomplishments include having his office selected as the Tactical Air Command's Best Social Actions Programs for 2 consecutive years while assigned at Luke Air Force Base; selected as Instructor of the Year while serving as a weapons control instructor; and having his office recognized as the Best Major Command Social Actions Programs in the Air Force while assigned to Langley Air Force Base as the Chief of the Equal Opportunity and Treatment-Human Relations Education Branch.

Colonel Andre and his lovely wife, Patty, will begin a new career in Virginia where Jon will again use his communication and interpersonal skill as a human resources director for the historic Colonial Williamsburg Foundation. I know I speak for the entire McGuire community in wishing Jon and his family the very best as they leave the U.S. Air Force. I offer my personal thanks and the thanks of an appreciative nation as he begins a new chapter in his life.

#### HONORING SUPINDA BUNYAVANICH

#### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to honor and congratulate Supinda Bunyanich, of Port Washington, NY, for being selected as a member of USA Today's All-USA College Academic First Team.

Supinda, a senior at Harvard University, truly embodies the ideals of leadership, perseverance, and initiative. Last summer, Supinda organized a conference in Korea to discuss the challenges of globalization in the 21st century. She brought 268 students together from 67 universities around the world. Professors, policy experts, corporate leaders, and the media also attended the conference to give



their own unique perspective on the challenges that lie ahead. As a leader of Harvard University's Project for Asian and International Relations, Supinda invited speakers and corporate sponsors, recruited delegates and managed the logistics of the event. Additionally, she raised \$200,000 in donations to help financially challenged students attend the conference.

Such initiative and intellectual endeavor can be seen throughout Supinda's experience at Harvard. She helped establish a forum on children's health at the Harvard School of Government and created the curriculum for an after-school project for underprivileged youth. Supinda has also traveled to Chile to conduct biological research.

Supinda is one of 20 college students from around the country to be selected as a member of the All-USA College Academic First Team. Twelve hundred fifty-three students from all 50 states and the District of Columbia were nominated for this honor.

Supinda will graduate with a degree in environmental science and public policy and would eventually like to become a college professor. Supinda's experience demonstrates how one individual can achieve so many extraordinary accomplishments through innovation, creativity, and leadership. I ask all of my colleagues to join me in honoring and congratulating Supinda Bunyanich, on her many accomplishments, and extending to her our best wishes for continued success.

#### A SALUTE TO CENTRAL HIGH SCHOOL VICTORS

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. WOLF. Mr. Speaker, I would like to recognize some high school students from Central High School in Woodstock, VA, in my congressional district for their outstanding sports achievement as State champions in cross country and basketball. Both the Central High School boys' cross country team and Central High School girls' basketball team won State championship victories in 1996. To have two teams from the same school obtain the title of State champions during the same year is certainly a true accomplishment. I would like to acknowledge the following team members and coaches for the dedication and hard work that brought them to victory.

Members of the Central High School girls' basketball team are: Christy Burgess, Jessica Wellard, Kathy Gochenour, Stephanie Lane, Sarah Dinardo, Meghan Peer, Brandi Fleet, Sarah French, Lindsey Rutz, Jewelee Magdic, Tata Dooley, and their coach Roger Wilkins. Members of the boys' cross country team are: Tim Cline, Matt Dinardo, Tim Clugasch, Damon Harper, Kirk Kirkland, Bryce Long, Jason Long, Tony Scott, and their Coach Joseph Huddle.

On behalf of the citizens of the 10th District, I salute these teams and Central High School.

#### H.R. 505, THE COMMUNITY EMPOWERMENT ACT

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. RANGEL. Mr. Speaker, today, we have the opportunity to take another step closer to a goal we all share with President Clinton: renewing investment in our cities and communities. I am joined by 18 other Members today in introducing H.R. 505, the Community Empowerment Act.

The Community Empowerment Act expands on the successful empowerment zone initiative we began in 1993 which created 9 empowerment zone demonstration projects and 95 enterprise communities. The bill I am introducing today provides tax incentives for an additional 22 new empowerment zones and 80 enterprise communities. The bill also provides tax incentives for cleanup of up to 30,000 brownfield sites across the country.

Everyone has an interest in seeing these communities thrive economically and environmentally. These tax incentives will mean our investments can finally pay off for both the investor and the community.

The bill would establish a new category of tax-exempt financing for 20 additional empowerment zones in 15 urban and 5 rural areas. The other newly designated areas, the 80 enterprise communities, 50 urban and 30 rural, and the 2 additional empowerment zones, would enjoy essentially the same incentives as provided under current law. Located mainly in low-income areas, the zones, and smaller enterprise communities, would be designated for tax and other incentives to enhance economic development, job growth, improved education, housing, and other benefits. As in the nine existing empowerment zones, communities would have the power to design their own specific programs.

The bill would also provide \$2 billion in tax incentives specifically to address the important problem of brownfields, which are abandoned, polluted industrial sites. The tax incentives will spur the private sector to clean up these sites and put them back into productive use. The incentives would apply to all distressed communities, including current and future empowerment zones and enterprise communities, and are expected to result in \$10 billion in private cleanup investment over the next 7 years. Under current law, the costs of new buildings or permanent improvements that increase the value of any property are not deductible. The community Empowerment Act would make certain remediation costs deductible if they were incurred while restoring a qualified site.

Mr. Speaker, leveraging public sector resources to encourage private-sector community investment is a fiscally responsible and wise means of promoting community development and prosperity. I invite my colleagues to sign onto this bill and vote for it.

#### THE NATIVE AMERICAN TELECOMMUNICATIONS ACT OF 1997

**HON. BILL RICHARDSON**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. RICHARDSON. Mr. Speaker, today, I am introducing a bill designed to promote greater telecommunications service to native Americans, including Alaskan Natives.

There is great optimism in this Chamber about last year's Telecommunications Act, particularly the provisions on universal service. While I join my colleagues in that optimism, I am concerned that these policies will prove insufficient for native Americans.

For too long, native Americans have fallen through the cracks of our national telecommunications policy. My bill will ensure that the universal service mechanisms designed by the Telecommunications Act of 1996 will benefit carriers designated to serve Indian lands.

Among the recommendations in the 1995 Office of Technology Assessment report, "Telecommunications Technology and Native Americans" is a strengthened Federal/tribal government partnership in the telecommunications field to provide better services to persons in Indian country and to enable tribes to be direct providers of telecommunications services.

In conjunction with this report and President Clinton's Executive order to require all Federal agencies to adopt specific policies to ensure responsible representation of the interests of native Americans my bill will direct the FCC to:

Establish an Indian telecommunications policy that takes into account the unique government-to-government relationship between the tribes and the Federal Government, the trust obligations of the United States.

Promote opportunities for meaningful participation and comment in FCC proceedings.

Obtain and maintain a database of reliable statistics concerning the extent of subscribership to, and the affordability of, telecommunications and information services on Indian lands.

The legislation will promote the exercise of sovereign authority of tribal governments over the establishment of communications policies and regulations within their jurisdictions. Furthermore, the bill will promote native-American participation in the consumption and provision of telecommunications services.

To focus Federal infrastructure development policy, the legislation that I have introduced today requires the National Telecommunications and Information Administration [NTIA] to encourage investment in, and the deployment of, telecommunications systems on Indian lands.

We currently operate without any policy towards these sovereign entities, many of which retain great physical and geographical barriers to proper infrastructure. This lack of direction creates greater polarization between the technological haves and have-nots.

Many rural tribes are caught in a jurisdictional "catch 22" due to the existing lack of policy at both the Federal and State level. While many States require telecommunications carriers to serve rural areas in America as part of a larger overall regulatory agreement, the States are not compelled to extend

these services onto Indian lands. Consequently, many rural Indian reservations fail to receive adequate service.

My bill does not seek to mandate States or telecommunications carriers to provide services. Instead, it asks the Federal Government to live up to the obligations it has as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States with Indian tribes. Where States and market forces fall short in providing adequate services at reasonable and affordable rates, it is a Federal responsibility that should be provided by means of the Federal support mechanisms established under the universal service provisions of the Telecommunications Act of 1996.

The most important issue at stake here is economic development and prosperity on Indian lands. As the fiscal constraints of balancing the Federal budget here in Washington continues, we must counter spending cuts on programs that benefit native Americans with greater economic opportunity.

The future of American economic prosperity in rural America lies squarely on the back of the telecommunications infrastructure throughout the land. Already we are seeing industry sprout up in rural America where fiber optic cables have been installed; the second coming of the railroad to many of these communities. It is imperative that we include native Americans in the prosperity of the technological revolution.

As the FCC prepares to adopt a policy on universal service, the implementation process of the Telecommunications Act reaches a critical stage. I believe it is important to make it perfectly clear that the intent of Congress can only be fulfilled if the universal service policies or procedures established to implement the act address the telecommunications needs of low-income native Americans.

IN HONOR OF TWO DISTINGUISHED INDIVIDUALS MAKING A DIFFERENCE IN THEIR COMMUNITIES: MARTIN R. VITALE AND HARVEY WHILLE

**HON. ROBERT MENENDEZ**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to two outstanding individuals, Martin R. Vitale and Harvey Whille, in recognition for their contributions to fostering a sense of understanding within the labor and business communities. Mr. Vitale and Mr. Whille will be honored during the fourth annual Archbishop's Labor and Business Recognition Dinner at the Marriott at Glenpointe in Teaneck, NJ.

The Archbishop's Annual Labor and Business Recognition Dinner began with the purpose of recognizing those in both the labor and management fields who were making a difference to promote cooperation between these two unique entities. Over the past 4 years, this observance has become a vital component in the ongoing attempt by the Catholic Church of Newark to encourage and to enhance the dialog between labor and man-

agement. Additionally, this dinner has become a vital source of funding for the CYO/Youth Ministries of the Archdiocese of Newark which operates an Outreach Program in Jersey City.

Martin R. Vitale's road to his chairmanship of the Board of Directors of Twin County Grocers has been enhanced by numerous family members and business associates. Mr. Vitale is married to an exceptional woman named Barbara whose community service has benefited the residents of Alpine, NJ for the past 13 years. Mr. and Mrs. Vitale have four accomplished children: Andrea, Martin, Jr., Stephanie, and Barbara. Mr. Vitale's own business, Vitale Enterprises, operates 10 Foodtown supermarkets, some of which serve residents of my district.

Harvey Whille, president of New Jersey's largest labor union, United Food and Commercial Workers [U.F.C.W.], Local 1262, is a man of extraordinary commitment to the union members he represents as well as to his community. Mr. Whille's unwavering sense of responsibility to the labor movement began in 1962 as a rank and file member at Foodarama supermarkets. Subsequently, he has served as a shop steward, union organizer, representative, field director, secretary-treasurer, and local president to members who work in New Jersey and New York businesses, many of which are located in my district. Mr. Whille's dedication to community service has seen him function as the chairman of numerous charitable endeavors, including fundraising for handicapped children. Mr. Whille has received honors from both the New Jersey Industrial Union Council and the Civil Rights Committee of U.F.C.W., region 1. Mr. Whille resides in Wall Township with his wife Donna with whom he has four children, Timothy, Tammy, Thomas, and Tara, and three grandchildren.

It is an honor to have two such distinguished individuals working on behalf of the residents of my district. I ask that my colleagues join me in honoring Martin R. Vitale and Harvey Whille who epitomize the good that can be accomplished when people work together toward a common goal.

RELEASE MONEY TO SAVE WOMEN'S LIVES

**HON. ELIZABETH FURSE**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Ms. FURSE. Mr. Speaker, a very important vote on family planning will occur this month.

The fiscal year 1997 Foreign Operations appropriations bill directs the President to submit a Presidential Finding to Congress no later than February 1, detailing whether or not the spending restrictions imposed on family planning overseas are having a negative impact on the proper functioning of those programs.

The Presidential Finding is to be included in a joint House-Senate resolution on which both bodies must vote by February 28. If both the House and Senate approve the finding, international family planning funds will be released on March 1 rather than the current July 1 release date of funds that have already been appropriated.

The President has submitted that finding and now we will have the opportunity to deliver the international family planning funding, which has been delayed already since October 1 of last year.

I commend to my colleagues' attention the following column written by First Lady Hillary Rodham Clinton in which she portrays the situation of real women's lives and the urgent need for family planning. It appeared in the current issue of *Popline*, a publication of the Population Institute on whose board of directors I serve.

FAMILY PLANNING IS REDUCING ABORTIONS  
(By Hillary Rodham Clinton)

The pregnant woman wore an alpaca shawl over her blouse and full skirt, the traditional Indian dress in Bolivia. She looked about 36 and was attending a prenatal class at a health clinic I visited this week in the Bolivian capital, La Paz. She was nursing a 3-month-old baby and expecting her eighth child, who she hoped would be her last.

I was in Bolivia to attend the Sixth Conference of Wives of Heads of State and Government of the Americas. Women from countries throughout the Western Hemisphere got together to talk about strategies to eliminate measles, promote education reform and improve maternal health in our region.

Bolivia, a country of majestic beauty in the heart of South America, was an auspicious location for such a discussion. More women die in Bolivia during pregnancy and childbirth than in any other country in South America. But in the face of this human tragedy, Bolivia has become a model of how one nation can respond to the crisis of maternal mortality by galvanizing the government, non-governmental organizations and the medical establishment to launch a nationwide family planning campaign.

In a country where half of all expecting mothers go through pregnancy and childbirth alone—without medical attention of any kind—Bolivia's aggressive effort to educate women about their own health and their options for childbearing is resulting in safer pregnancies, stronger families and fewer abortions. Without access to family planning, women in Bolivia—and in many developing nations—often turn in desperation to illegal, unsafe abortions that can end in death or serious injury. Deaths from abortion complications account for half of all maternal deaths in Bolivia.

As Bolivia has ably demonstrated, voluntary family planning teaches women about the benefits of spacing children several years apart, breast-feeding, good nutrition, prenatal and postpartum visits and safe deliveries. It also decreases the number of abortions.

Bolivia's success at preventing mothers from dying and lowering abortion rates has been possible, in part, because of help from the United States and other countries. The U.S. Agency for International Development has provided financial and technical assistance to help Bolivia establish a network of primary health care clinics.

The clinic I visited in La Paz is one that the United States helped start. Called PROSALUD (which loosely translated, means "for the good of health" in Spanish), the clinic has doctors and nurses who offer round-the-clock prenatal, obstetric and pediatric services, as well as counseling about family planning in a poor neighborhood of 15,000 people. In the first six months of 1996,



the clinic staff provided 2,200 medical consultations, delivered 200 babies, registered 700 new family planning users and immunized 2,500 children.

There are obvious benefits of such a program to Bolivian women, children, and families, but health and family planning services also help alleviate poverty and contribute to the economic stability of a democratic ally in our hemisphere. Yet opponents of foreign assistance and particularly of family planning in Congress are trying to eviscerate U.S. funding for programs like the one I saw at PROSALUD. Some argue that the United States has no national interest in the health and well-being of other countries' citizens. Others mistakenly suggest that family planning is being used to encourage—rather than decrease—abortions. In fact, our government has prohibited funding of any overseas project that promotes abortion since 1973.

Ignoring this, Congress last year approved draconian cuts in family planning assistance amounting to a 35 percent reduction in funds. To add insult to injury, the cuts were accompanied by new restrictions that delayed delivery of aid for the first nine months of the fiscal year.

Similar harsh cuts and delays are included in the current budget, meaning that many organizations could again be denied assistance for months and then receive it only in monthly installments.

According to a recent analysis by five population organizations, the funding cuts alone will result in an increase of 1.6 million abortions, more than 8,000 maternal deaths, and 134,000 infant deaths in developing countries.

Family planning campaigns at work in Bolivia and elsewhere represent sensible, cost-effective and long-term strategies for improving women's health, strengthening families and lowering the rate of abortion. My husband's administration remains committed to the continuation of these investments. And I will do everything I can to ensure that U.S. support for these initiatives continues. If you share my concern, I hope you will add your voice to mine and give all women everywhere the same opportunities for their lives we take for granted in ours. (Permission by Hillary Rodham Clinton and Creators Syndicate.)

#### TRIBUTE TO OFFICER WENTLANDT

##### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. DIAZ-BALART. Mr. Speaker, it is with great admiration that I rise today to pay tribute to Officer Rick Wentlandt, a retired police officer who is a real-life hero. I was honored to have the opportunity to meet Officer Wentlandt's family at the dedication ceremony for the Officer Rick Wentlandt Survival City, which will continue the efforts that Officer Wentlandt began after surviving his own personal tragedy.

In 1981, Officer Rick Wentlandt of the Metro-Dade Police Department was severely wounded while on duty and forced to retire. After miraculously surviving this tragic incident, in which he interrupted an armed rape and managed to save a woman's life while he was shot six times in the process, Officer Wentlandt took what he learned from this experience and began teaching a class on offi-

cer survival mindset training. His teachings have been used to train law enforcement officers, police trainers, and mental health professionals from around the country about mastering the mental aspects of survival. Even after his injuries forced him to retire from the police department, Officer Wentlandt continued to volunteer his time, logging hundreds of hours teaching survival skills to veteran officers and new recruits.

I feel extremely fortunate to have met Officer Rick Wentlandt's family and sincerely appreciate the contributions he had made to south Florida. It is important that we learn from his experiences and take his teachings to heart.

#### TRIBUTE TO DOROTHY SMITH

##### HON. GREG GANSKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. GANSKE. Mr. Speaker, it is my pleasure today to be able to commend a fine individual, and a real friend to many people in southwest Iowa—Dorothy Smith.

For more than 10 years Dorothy worked for both myself and Congressman Jim Lightfoot in serving the people of Pottawattamie and surrounding counties. Dorothy was diligent, fair, and thorough in helping people deal with the Federal Government. She was also an excellent representative of my office, ably taking my place when congressional business kept me in Washington.

Southwest Iowa will miss Dorothy's energy, but I am sure she will remain active in the community. I would like to thank Dorothy for her service, and wish her and her husband Gordon the best as they begin the next chapter in their lives.

#### INTRODUCTION OF THE EDUCATION AFFORDABILITY ACT OF 1997

##### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. PRICE of North Carolina. Mr. Speaker, today, I am introducing the Education Affordability Act, together with my North Carolina colleague and fellow educator BOB ETHERIDGE. This legislation is designed to make education more accessible and affordable for working Americans and to give our young people the training that most new, good jobs require. Our bill would restore the tax deduction for student loan interest and the full tax exemption for scholarships and fellowships. In addition, it would permit penalty free, withdrawals from individual retirement accounts to pay for higher education expenses.

In the last decade, the number of American students borrowing money for higher education has doubled. The average cost of attendance at a public college has increased 27 percent over the past decade while the cost of private college has increased over 40 percent.

It is not unusual today for a working family to spend over 25 percent of their income helping their child through college. Many of this Nation's talented young people—young people who are the future of this country—are unable to attend college because of the financial hardship.

Our legislation would take significant steps toward removing some of these barriers to higher education. First, it would restore the pre-1986 tax laws governing student loans. Instead of penalizing young people who are gifted and fortunate enough to earn scholarships and fellowships by taxing this money, our bill would make these resources tax exempt. Students and their families who need to borrow to pay the costs of education would be able to deduct the interest on their loans. Finally, this bill would eliminate the 10-percent penalty on withdrawals from IRA's for higher education expenses, allowing students additional access to resources for their education.

Accessible and affordable higher education is essential to this Nation's ability to compete in the global market. In order to remain at the forefront of this growing worldwide economy, we need to ensure that our children have access to affordable education beyond high school. Passage of this bill would help to bring higher education opportunities to every interested individual. It is an investment in the future of our young people and our country. I urge my colleagues to join us by cosponsoring the Education Affordability Act.

#### EZUNIAL "EZE" BURTS—A DISTINGUISHED RECORD OF SERVICE TO THE PORT AND PEOPLE OF LOS ANGELES

##### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Ms. HARMAN. Mr. Speaker, my colleague, Representative MILLENDER-MCDONALD and I are proud to join in congratulating and thanking Ezunial Burts for a distinguished 12 year record of service to the Port of Los Angeles and to the citizens of Los Angeles County.

As he departs from his position as executive director at the port to take the reins as president of the Los Angeles Area Chamber of Commerce, Eze can look around to see the remarkable achievements of his tenure. Whether measured by soaring increases in cargo tonnage and container volume or by its tremendous impact on the economy of southern California, Eze led the port to unprecedented growth. Major capital improvements completed in the last 12 years include the intermodal container transfer facility, new container terminals for Trans Pacific Container Service [TraPac] and Nippon Yusen Kaisha [NYK], and the new World Cruise Center, currently the busiest west coast passenger facility.

And the future is equally promising. The ongoing construction of new, state-of-the-art facilities, including the \$2 billion Alameda corridor and \$600 million pier 300/400 projects, will help ensure that the port is prepared for trade in the 21st century. As a testament to

the port's financial strength, all three major bond rating agencies gave the port AA ratings, the highest of any U.S. port without taxing authority.

Eze has demonstrated many strengths that will suit him well in his new career. He has been tremendously skillful working with diverse groups of maritime partners and the international trade community and his genuine warmth and concern for port employees have won him the friendship, admiration, and respect of the 670-member port management team and staff. He has served on many advisory committees and boards affiliated with port authorities and trade policy, including the Intergovernmental Policy Committee of the Office of the U.S. Trade Representative under the Clinton administration. Eze also has a laudable record of service to the community at large, serving on the board of directors of such organizations as the National Forum for Black Public Administrators, the Metropolitan YMCA, Hancock Savings and Loan and the California Chamber of Commerce.

Eze will be sorely missed, but his legacy remains. We join the port community and our constituents in extending to him sincere appreciation and wishing him and his family every success as he assumes the critical job of president of the Los Angeles Area Chamber of Commerce.

#### INTRODUCTION OF THE CRIMINAL WELFARE PREVENTION ACT, PART II

##### HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. HERGER. Mr. Speaker, today Mr. CLEMENT, Mr. SHAW, Mr. BUNNING, Ms. DUNN, Mr. ENSIGN, Mr. HAYWORTH, and Mr. BURTON join me in introducing legislation—the Criminal Welfare Prevention Act, Part II—which will prevent the needless waste of taxpayer dollars.

Last year, the 104th Congress took an important step forward in this regard by enacting legislation that denies Federal SSI benefits to inmates of State and local correctional facilities. Although prisoners were not entitled to these benefits under existing Federal law, there was no way to match prisoners in local institutions with benefit checks mailed by the Federal Government. The Criminal Welfare Prevention Act—signed into law as part of last year's welfare reform package—creates a voluntary bridge between local sheriffs and the Federal Government, helping sheriffs identify ineligible individuals. This commonsense reform will save taxpayers millions of dollars—without imposing unfunded mandates or establishing new government bureaucracies.

However, there is still more work to do. Originally, the Criminal Welfare Prevention Act had aimed to deny local prisoners Social Security [OASDI] benefits as well, but these provisions were dropped from the final conference report to comply with Senate rules against making changes to OASDI in a reconciliation bill. Consequently, many local prisoners are still receiving OASDI benefits for

which they are currently ineligible under Federal law.

To address this problem, we are introducing the Criminal Welfare Prevention Act, Part II. This bill will create monetary incentives for State and local law enforcement authorities to enter into voluntary data-sharing contracts with the Social Security Administration. This exchange of information will help get prisoners off our benefit rolls and will save taxpayers an estimated \$35 million by the year 2002. Under our proposal, if a participating local authority reports to the SSA that an incarcerated convict has received an OASDI check within the previous 30 days, that local authority will receive a cash payment of \$400. If the discovery is made within 90 days, the local authority will receive \$200. Again, participation in these contracts is purely voluntary—our bill will create an incentive structure, not an unfunded Federal mandate.

In this time of severe budgetary constraints, we strongly believe that Congress needs to cut off this tremendously wasteful flow of scarce resources. Last Congress, the original Criminal Welfare Prevention Act attracted nearly 200 cosponsors, and its SSI-related portions are now law. The remaining OASDI provisions passed the House late last year as part of a Social Security Technical Corrections bill, but Congress adjourned before Senate action could be taken. Now is the time to finish the job. I urge my colleagues to cosponsor this much-needed bipartisan reform.

#### INTRODUCTION OF LEGISLATION TO PROTECT MEDICARE BENEFICIARIES

##### HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. COYNE. Mr. Speaker, today Representative STARK and I are introducing legislation to correct what has become a significant problem for many Medicare beneficiaries. Under current law, when Medicare beneficiaries receive health care in a hospital outpatient department [HOPD], they are responsible for an average of 45 percent of the total payment to the hospital. Obviously, this is far more than the 20 percent copayment that was intended when the law was first enacted.

This problem arose because the Medicare law specifies that beneficiaries are responsible for 20 percent of what the hospital charges for services rendered in their outpatient departments, while Medicare only pays 80 percent of what it deems to be the reasonable cost for such services. Until the past few decades, costs and charges remained relatively the same. However, over the past few years, charges have risen much more rapidly than reasonable costs, causing a rapid rise in beneficiary coinsurance liability.

Our legislation will correct the problem by establishing a new payment system for HOPD's which will allow the beneficiary copayment to be fixed at 20 percent of a set amount and will also ensure that Medicare will be paying its fair share.

We recognize that reducing the HOPD beneficiary copayment liability will cause a loss in

revenue for hospitals and will also cost the Medicare Program money as it begins to pay its fair share of HOPD services. We do not believe, however, that these are reasons to continue to force senior citizens to pay increasingly more than they should for HOPD services. We want to work with hospitals and with the Health Care Financing Administration to find a solution to this difficult and growing problem that faces millions of Medicare beneficiaries.

Our legislation will help to soften the blow to the Medicare Program by simultaneously correcting a problem in how Medicare pays for some HOPD services. Because of a flaw in the payment formula, called the "formula-driven overpayment," Medicare has been systematically overpaying hospitals for many services provided in HOPD's. While correcting the beneficiary coinsurance problem will cost Medicare money, correcting the formula-driven overpayment will help to mitigate the loss to the program.

I have introduced legislation in the past that would have corrected the beneficiary coinsurance problem. I am hopeful that this Congress will recognize the importance of relieving Medicare beneficiaries of the unfair burden they are currently shouldering when they receive health care in hospital outpatient departments.

#### HONORING PAUL CLARKE

##### HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. McKEON. Mr. Speaker, the residents of California's 25th Congressional District recently recognized the passing of one of their dedicated and loyal citizens, Mr. Paul Clarke. Consultant, radio newsmen, media expert, husband, son, father, and grandfather, Mr. Clarke embodied the voice and vision of the residents of the San Fernando Valley. Remembered in Washington as the chief of staff of Congresswoman Bobbi Fielder, whom he later married, southern Californians came to know him as a man with a firm grasp on the pulse of the valley.

Instrumental in Washington to furthering a variety of issues important to the San Fernando Valley, Mr. Clarke became known as a talented political campaign consultant with an innate understanding of his community. Honest and forthright, Paul Clarke was an invaluable source of information for reporters and the news industry throughout southern California.

We will miss Paul Clarke's sense of humor, wit, intelligence, and friendship. Our prayers go out to our former colleague, Bobbi Fielder, as well as to all of Mr. Clarke's family. May the Lord bless and keep him well. In our hearts and thoughts, he remains.



THE LEGACY OF THE LATE  
HONORABLE PAUL TSONGAS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. WOLF. Mr. Speaker, while the House was in recess in January, a former congressional colleague, retired Massachusetts Senator Paul Tsongas died after complications from cancer. I was a long-time admirer of Paul Tsongas, especially for the wisdom with which he approached life and the value he placed on his family.

For many in public service, it often comes down to choices between the job and family. Do I attend the social event or go home for my son's birthday party? Do I go to the reception sponsored by a special interest group or attend my daughter's soccer tournament? With Paul Tsongas, there was no choice. Family came first and foremost.

For several years I have used the way Paul Tsongas lived his life as an example in my speeches about family values. One of my favorite quotes from him is that he "never heard anyone on their deathbed say, 'I wish had spent more time with my business.'"

What are our personal priorities? People generally serve in the Congress because they want to help other people. But we need to remember that while we serve in Congress trying to help others, we do not forget those who matter most to us—our families.

In some of my speeches I also use a quote by Dr. James Dobson from a book on the family. It says:

I have concluded that the accumulation of wealth, even if I could achieve it, is an insufficient reason for living. When I reach the end of my days, a moment or two from now, I must look backward on something more meaningful than the pursuit of houses and land and machines and stocks and bonds. Nor is fame of any lasting benefit. I will consider my earthly existence to have been wasted unless I can recall a loving family, a consistent investment in the lives of people, and an earnest attempt to serve the God who made me. Nothing else makes much sense.

That quote could very well describe the life of Paul Tsongas. Syndicated columnist Cal Thomas also recently highlighted Paul Tsongas' "Strong and Positive Legacy" and I would like to share that article with our colleagues. It certainly provides some food for thought for setting priorities in our lives.

A STRONG AND POSITIVE LEGACY

(By Cal Thomas)

When a person dies prematurely, it prompts us to stop and contemplate our own lives and whether we are spending our time, like cash, to indulge our wants, or investing in relationships that will pay lasting dividends.

Paul Tsongas, the former senator from Massachusetts, died last weekend of complications from cancer at age 55. Although we never met, and I was introduced to his wife Niki just once, Mr. Tsongas made a strong and positive impression on me.

In a town where power is king, Mr. Tsongas never paid homage to the sovereign. He was such an infrequent guest on the Washington party circuit that socialites knew better

than to invite him for cocktails or dinner after work. Instead, he would depart his Senate duties as early as possible in order to be with Niki and his three daughters.

In a 1984 book called "Heading Home," Mr. Tsongas wrote, "Niki and I did not frequent the social circuit, and we knew it cost us. But the kids were more important to us than being regulars on Embassy Row or in hotel ballrooms." That's family values in practice.

He was equally open about his fears following the cancer diagnosis: "I felt totally alien. I was one of the select few in the United States Senate—the most exclusive club in the world. I did not want membership in a club of the afflicted."

Mr. Tsongas learned quickly that Washington is a town that loves you only when you're "up"; when you're down, you're out. He wrote, "most of Washington views people through the prism of title. Did my friends like me for my office? One could never know. And this doubt always had a corrosive effect upon our feelings."

Despite his upbeat demeanor following the cancer diagnosis (he demonstrated to the press how healthy he was by allowing cameras to show him swimming), Mr. Tsongas had been told by doctors 13 years ago that his form of cancer had never been cured and that the statistical average for life expectancy of people in similar cases was eight years. He beat the odds by five years.

Sometimes we get so caught up in political and philosophical divisions that we forget not only the humanity of those with whom we disagree, but that we might actually learn something from them if we take the time to listen.

"Heading Home" has had such a profound impact on this economic and social conservative that I have often quoted from it (most recently in an address to new members of the Congress from both parties), and my copy of the 166-page book is well-marked and dog-eared.

How's this for baring your soul: "I was no longer the senator from Massachusetts. I was a frightened human being who loved his wife and children and desperately wanted to live." Or this: "In my desolation I had to reach deep into my beliefs. Those beliefs had never been sorely needed before—not like this. Now it would be different. God would be more a part of my life, no matter what happened. This was not a revelation or born-again experience. Not at all. Just a realization that while I had taken myself this far in life and done quite well, from here on I needed to recognize who was guiding me. I had to be more aware that one does not go through life without God's presence."

To me, the most moving part of Mr. Tsongas' book appears near the end after he's given an interview to a newspaper in which he speaks often of his love for Niki and his daughters. He turns to her and says, "You know, after 10 years in this town, all that I will be remembered for is the fact that I loved my wife."

"And what's wrong with that?" Niki replied.

In a time when reports of infidelity, allegations of ethical shortcomings and various scandals sweep Washington and the nation, what's wrong with that, indeed? Can anyone think of a greater legacy for his family or a better example for the rest of us? Or a better epitaph for Paul Tsongas?

ST. CLARE'S HOME: SERVING  
HOMELESS WOMEN AND CHILDREN  
IN NORTH SAN DIEGO COUNTY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise to pay tribute to Sister Clare Frawley and her St. Clare's Home, located in Escondido, CA, in my congressional district.

During the recent district work period, I had the privilege of visiting St. Clare's Home for myself. What I found was a true refuge where women and children in tremendous need could find real hope. In those tragic instances where people are victims of domestic violence, child abuse, or worse, in North San Diego County they have the loving arms of St. Clare's Home to find hope and rest. Furthermore, the St. Clare's Home staff work to prevent child abuse, domestic violence, substance abuse and sexual abuse in the community through educational and other programs. All together, St. Clare's Home provides emergency shelter, a maternity home complete with prenatal care and child-rearing education, a transitional program, a child care and learning center, substance abuse treatment programs, a counseling center, and much more.

I came away impressed and humbled by the love and care that Sister Clare Frawley and her staff put into the work of St. Clare's Home. They are truly doing the Lord's work in our community.

I ask that the following statement, a history of St. Clare's Home, be entered into the permanent Record of the Congress of the United States, as a thankful tribute to their staff's work in the community I represent.

THE HISTORY OF ST. CLARE'S HOME

In 1983, Sister Claire Frawley founded St. Clare's Home. Before that time there was no shelter facility for homeless women and children in North County. Sister Claire recognized the urgent need when a young pregnant woman with two small children arrived at the door of her Youth Ministry. They had not eaten in two days and were in despair. There was no shelter facility to help them. Armed with a firm resolution and a prayer, Sister Claire took them home with her for the weekend. Shortly thereafter, she rented a house for this little family and another young mother in need. As they came to her door, the poor, the tired, the hungry and the hurt, Sister Claire found more beds and more food . . . and so Saint Clare's Home began.

From the very beginning, St. Clare's Home has been a community leader in the prevention of child abuse and domestic violence. 90% of St. Clare's residents come from domestic violence and sexual abuse with substance abuse addictions as a result of the street life they've endured.

It became the mission of Sister Claire Frawley to provide food, shelter, clothing, medical care, transportation, psychological counseling, continuing education, job skills training, encouragement and unconditional love. Most of St. Clare's young residents have never known unconditional caring or lived in an environment of emotional support. Their emotional response to these acts

of kindness is simply overwhelming. Their letters and poems of gratitude, pictures and art decorate Sister Claire's office and the hallways of St. Clare's administrative office. Even St. Clare's Home logo is a loving reminder of a small child who simply drew a picture with the caption, "I love my home." This small picture appears on each piece of letterhead and business card at St. Clare's Home.

Over the years, St. Clare's Home has evolved into a public nonprofit non-denominational agency serving over 3,250 homeless women and children throughout the County. Today, St. Clare's operates eight residential shelter homes supervised by trained Case Managers and the Little Angels Learning Center for children's day care, play therapy and counseling services. The recent addition of a Counseling and Resource Center provided the opportunity to expand educational and program services. This new facility has served to enhance the women's perspective with broader exposure, motivated their desire for personal growth, assisted them in goal setting and achievement, and boosted their self confidence . . . all steps toward their ultimate goals: self worth and independence.

Homeless women and children may stay at St. Clare's Home for 2 years. Although predicting the time it takes to repair a broken spirit is nearly impossible, St. Clare's Home sets precedent for program longevity in San Diego County, providing aftercare services to assure a successful transition to independence. St. Clare's Home is funded by generous corporations like UPS, foundations, individuals and government grants. St. Clare's Thrift Shoppe receives in-kind gifts and has the loyal support of longtime volunteers and service clubs.

#### INTRODUCTION OF THE DISTRICT OF COLUMBIA ECONOMIC RECOVERY ACT

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Ms. NORTON. Mr. Speaker, today, I am introducing the District of Columbia Economic Recovery Act [DCERA] as my first bill of the 105th Congress. It would be irresponsible not to do so. I introduced virtually the same bill on April 15, income tax day, last year. I reintroduce the bill today for two reasons: First, lethal taxpayer flight continues unabated; second, the District has no State safety-net backup to recycle income back from wealthier areas. With only the residents who remain available to keep the city alive, a tax cut incentive to keep taxpayers here has become an imperative. In short, taxpayers are in full flight, and only a dramatic and focussed incentive can keep them here.

The DCERA will reduce Federal income taxes in three ways. First, to effect the tax cut the DCERA raises the traditional standard deduction and personal exemptions: \$15,000 instead of \$6,550 for single filers; \$25,000 instead of \$8,450 for single heads of household; and \$30,000 instead of \$11,800 for married joint filers. Thus, residents who can least afford to pay the city's high taxes and the high cost of living—with incomes below \$15,000, \$25,000, and \$30,000—will pay no Federal in-

come taxes. Second, a uniform rate of 15 percent will be applied progressively up the income scale to reduce present tax liability—from a 79-percent reduction to a 34-percent reduction, depending on income. The lower the income, the greater the tax reduction. The uniform rate rescues residents from bracket creep, the mechanism that taxes away a portion of an individual's income as it increases from one bracket to the next. The uniform rate assures that residents whose income increases because of the tax cut will not have any significant portion immediately taxed away. Third, the mortgage interest and charitable deductions remain. The home mortgage interest deduction is especially vital because homeowners make a sizeable investment in the city and are most likely to remain here. Home ownership in the District of Columbia is the lowest among the 50 States and the District of Columbia.

The bill also seeks to spur business and economic development in the city in two ways. First, the DCERA exempts capital gains so long as they derive from District investments by District residents. Second, investment income will qualify for the low 15-percent rate, so long as these are investments in activity within the District by District residents. Social Security income and income from traditional IRS-qualified pension plans also qualify for the low DCERA rate.

In the absence of a State, a unique tax incentive is fully justified, is profoundly fair, and absolutely essential. The tax cut is justified and fair because District residents pay the full load of Federal taxes while lacking full representation and full home rule, and they have no State to recycle income from wealthier areas. Instead, the city is burdened with just the opposite. The Congress has imposed on District residents the cost of providing services for commuters while protecting them from paying any part of the rising cost of those services. The tax cut is essential because every plan and proposal, including the recent, welcome proposal by President Clinton, will pick up only a small fraction of the costs the District taxpayer bears. As important and gratifying as the President's plan is, its basic assumption is that there will be a large enough tax base here to pay for most of the costs of the city. That assumption defies the latest census data. This city is on track to lose nearly three times as many residents in the 1990's as in the 1980's. Today, the city's population has dropped to where it was in 1933. Yet, the President's proposal will leave 90 percent of District Government costs that are currently funded from locally raised revenues to be picked up by a tax base that is being miniaturized.

The analysts agree on the two basic necessities for the city to recover: An adequate tax base and relief from State functions and pension liability. We are gratified that the President's proposal strides in the direction we must go to fund at least some of the functions no city could bear today. My bill assures that his plan will not be stillborn. Stated painfully, but plainly, the President's plan will fail if taxpayers continue to leave at the present rate.

The DCERA has been carefully crafted as a bipartisan bill consistent with the principles of both parties. It is sizable enough to attract Re-

publicans and to act as a realistic incentive for District residents to remain. It is steeply progressive in the tradition of Democrats in general and the 1963 JFK tax cut in particular. Once the bill is passed, half of District residents will be off the Federal income tax rolls. Tax cuts for working people will progressively depend on income.

To encourage investment in a city desperate for business, the DCERA taxes small District-based business at the 15-percent rate and eliminates capital gains, but only for District residents, thus accomplishing two goals at once. It helps reverse the huge business exodus from a city that is dangerously over-dependent on the rapidly downsizing Federal sector, while encouraging business people to reside here—the only way to take advantage of the DCERA. Already impoverished, the District's business sector lost 1,800 businesses between 1990 and 1995.

Equally important, the bill contains protections against gentrification and unnatural increases in the cost of living. For example, the DCERA applies only to bona fide District residents who spend 183 days of each taxable year physically in the city, to wages earned in the District or the metropolitan region, and to investment income earned on District investments only. The bill exempts capital gains taxes only on investments in the District by District residents. Stand-by legislation further guards against unnatural increases in the cost of living. Examples include: a city council bill passed last year, at my request, that freezes property, sales, and income taxes effective when the DCERA is enacted; a measure similar to TRIM in Prince George's County that limits property tax rates and the growth of assessments; a surtax on capital gains if derived from excess profits; and a revolving fund for zero-percent interest loans—or tax credits—for home buyers to cover unusual increases in home prices, with the money to be paid back upon the sale of the home; and the maintenance of rent control. The bill also requires the Secretary of the Treasury to prepare an annual study to determine the effects of the bill, thus allowing each year for the correction of unintended consequences, if any. However, the analysts and experts who have studied the DCERA closely do not predict unusual effects, but rather, they indicate that the market will discount for urban conditions in general and conditions and services in the District of Columbia in particular in the prices of property and other investments.

Our greatest risk at this late hour is that even a tax cut may be too little to check the flight. At the very least, however, the overwhelming support for the bill among residents of every ward, every income group, and every racial and ethnic background is some evidence that the bill will help keep taxpayers here who might otherwise leave. The DCERA will give us time to improve services and to more fully regenerate our tax base. The introduction of the DCERA and the strong support it has won in the Congress has already raised resident morale and contrasts sharply with the long-running dearth of support for other approaches to help the District in the House and Senate.

Time is running out to stop the taxpayer drain. We must hope that we have not already



passed the point of no return. Once a city loses a critical mass of taxpayers, it loses the capacity to turn taxpayer losses around. No city has ever reversed a taxpayer hemorrhage. With the city on life support and no state safety net to rescue the District, the greater risk lies in doing nothing.

Only blinders to the last great injustice on American soil could lead any American to question a bill reducing Federal taxes on the residents of the Nation's Capital. Third per capita in Federal income taxes, District residents stand alone in shameful defiance of the American principle of no taxation without representation. The four territories pay no Federal income taxes yet have the same representation in Congress as the District. The four territories have full self-government; the District's limited home rule is self-government only when the Congress says so. The Congress will compound the harsh civic injustice it imposes if it also insists on taxing the District's tax base into extinction. With the DCERA, District citizens ask only to rebuild their own city with their own money. Their country owes them that, and more.

#### DCERA PROVIDES SIZABLE PROGRESSIVE TAX REDUCTIONS

	IRS deduction	DCERA deduction
Single Filer .....	\$6,550	\$15,000
Head of Household Filer .....	8,450	25,000
Married-Joint Filer .....	11,800	30,000

  

Income range	No. of filers	Percent reduction in tax liability <sup>1</sup>
Under \$15,000 .....	50,390	100
\$15,000-\$29,999 .....	87,117	79
\$30,000-\$49,999 .....	52,060	51.2
\$50,000-\$74,999 .....	23,568	44.2
\$75,000-\$99,999 .....	9,822	36.8
\$100,000-\$199,999 .....	10,259	35.7
\$200,000+ .....	4,286	34.2
Total filers .....	237,502	44.3

<sup>1</sup> Includes a tax rate of 15 percent and charitable and mortgage deductions, which are retained.

#### FRANK "MAC" MCCARTY

#### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. BARCIA. Mr. Speaker, the people of Flushing, MI, have endured a great loss with the recent death of Frank McCarty, a man who for over 30 years served the people of his community in the best way he knew how—as an advocate for them as a member of the city council.

Even though he had reached 75 years of age, Frank McCarty believed that there was always something more to do, something new to experience. He refused to let the knowledge that he was ill discourage him from further activity. He viewed what time he had remaining not as a time to dwell upon his own situation, but rather as a time to show that no matter what our own difficulty might be, there is always something more that can be done for others, whose situation may be worse than our own.

The people of Flushing knew Frank McCarty as both a public servant and as a business-

man. His service station was a key point of activity in town, and provided many jobs for young people looking to enter the work force for the first time.

Last year, a baseball stadium in Eastview Park was named after Frank, and his wife Maxine, in recognition of his years of service. This was a most fitting tribute to a family that has been as important to the community as the community has been to the family. His devotion is what earned him the Citizen of the Year Award in 1989, and the Award for Outstanding Contribution to the Community in 1996.

His wife Maxine, and his daughters Sharon, Ann, Mary Beth, Amy, and Nancy, had the privilege to share in his entire life, so I am sure their loss is even greater. They should know, Mr. Speaker, that the city of Flushing reveres what Frank McCarty has done. The work of this gentleman shows in every neighborhood and in thousands of faces. The many associations who were privileged with his membership, including the Genesee County Small Cities and Villages Association, and Central Communications Consortium, the Main Street Reconstruction Group, the Fire Services Committee, the Flushing Area Senior Citizens Advisory Committee, and the Library/Senior Annex Board.

Occasionally life presents us with an outstanding and dedicated individual. We want that person to be with us forever, but must satisfy ourselves with the memory of the individual, the record of achievement, and the example of devotion. Frank "Mac" McCarty was such a man. He will be missed.

#### LIGHT INFANTRY DIVISIONS: ONE OF OUR BEST NATIONAL SECURITY INVESTMENTS

#### HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. McHUGH. Mr. Speaker, I call your attention to an issue of great importance to the defense posture of the United States which takes on an even greater significance as the Department of Defense undertakes a study of the military of the future.

An August 1996 Congressional Budget Office report, "Reducing the Deficit: Spending and Revenue Options," and specifically section (DEF-17) entitled "Reduce the Number of Light Infantry Divisions," is seriously flawed in both its analysis and conclusions.

I believe it is imperative that the facts be known as to why we cannot afford to eliminate one light infantry division. I am also compelled to set the record straight regarding CBO's assertions about the 10th Mountain Division's role in Somalia. To let CBO's assumptions go unchallenged would be a disservice to our Nation and those men and women in uniform who risk their lives to defend it.

Mr. Speaker, I believe the facts presented in the following January 16 letter to the Director of the CBO will provide a solid basis for future consideration of such important issues. I am especially pleased that in her response, which also follows, the Director has pledged to "be

more explicit about the advantages and merits attributable to light infantry divisions" in future editions of the report.

Mr. Speaker, I submit the exchange of correspondence for your interest and commend it to our colleagues for their thoughtful review.

U.S. CONGRESS

HOUSE OF REPRESENTATIVES,

Washington, DC, January 16, 1997.

Ms. JUNE E. O'NEILL, Director,  
Congressional Budget Office,  
Washington, DC.

DEAR MS. O'NEILL: I call to your attention the August 1996 CBO report, Reducing the Deficit: Spending and Revenue Options and specifically the section (DEF-17) entitled "Reduce the Number of Army Light Divisions." At the onset, I want to thank you for your response to my August letter in which I asked for the data supporting the conclusion that the number of divisions be reduced.

DEF-17 asserted that the Department of Defense could save over \$16 billion in six years by eliminating one light infantry division (LID) and an airborne division by consolidating the airborne and air assault divisions into one division. The remaining light infantry divisions would consist of one light infantry division and one airborne division of two air assault brigades and one airborne brigade.

Having reviewed the matter carefully, I must emphatically disagree with CBO's conclusions. I have found many of the assertions contained in DEF-17 to be faulty and without merit. As a Member of the National Security Committee, I well understand the need to spend every defense dollar wisely. It is in that context that I believe our light infantry divisions are one of our best national security investments. They have enabled us to meet the ever-increasing demands on the United States in this post-Cold War era. That having been said, I feel compelled to provide you with facts as to why we cannot afford to eliminate one light infantry division. I also believe it imperative that I set the record straight regarding the 10th Mountain Division's role in Somalia. To let DEF-17 go unchallenged would be a disservice to our men and women in uniform.

One of the primary lessons of military history is that to accurately predict the timing and location of future conflicts is nearly impossible. It is, therefore, essential to have military forces capable of being tailored for a variety of scenarios. Even in the mid-1980s military planners visualized a need for forces to protect our national interest in other than the European theater, forces that must be prepared to conduct low- to mid-intensity conflicts. Heavy units need lighter forces to operate between and among them on terrain not suitable for heavy vehicles: forests, mountains, urban and other areas. The Army needs traditional general-purpose light infantry utilizing light infantry tactics: forces that could be used in a wide variety of environments and provide the National Military Strategy with its rapid and mobile strategic punch or show of force to deter or compel potential adversaries. Light infantry divisions can be lifted into any region in the world with just 500 sorties of C-141s vs. over 2,300 for the Army's mechanized divisions (first units are loaded in 18 hours).

In the paragraphs which follow, I challenge the CBO assertions with the facts.

CBO Assertion: Recent history indicates that the United States may not need those divisions. Between 1945 and 1991, about 120 incidents—excluding major conflicts such as those in Korea, Vietnam, and Iraq—required

commitment of U.S. ground forces. Of those, the Army was involved in about a third and, even then, generally not in large numbers.

Fact: I have found your assertion that light infantry forces were used very little from 1945 to 1991 to be a misleading statement. The infantry units in question were created in the mid-1980s, covering only six years of the CBO study. According to an October 1996 study by Science Applications International Corporation (SAIC), light infantry units have been deployed in battalion or larger force a total of 13 times in the last 15 years. During five of these deployments, a division or larger light infantry force was used (URGENT FURY—Grenada 83; JUST CAUSE—Panama 89; DESERT SHIELD/STORM—SWA 90; RESTORE/CONTINUE HOPE—Somalia 92; RESTORE/UPHOLD DEMOCRACY—Haiti 94).

CBO Assertion: The light infantry divisions have limited firepower and tactical mobility once deployed.

Fact: Light infantry divisions, by their very nature do not have the firepower or mobility existing in the U.S. mechanized divisions because they are, in fact, tailored for other missions. Light infantry divisions must be offensive, capable of using stealth and attacking by infiltration, air assault, ambush and raids. These forces, by virtue of the terrain in which they are required to operate, do not have the capability to carry high caliber weapons. To offset a lack of firepower the LID dismounted company size is near double the size of a mechanized dismounted company force; around 120 in light company and about 68 in a mechanized company. A recent study by SAIC for the 21st Century concludes that, in the future, more conflicts will be fought in densely populated, urban environments. Heavy forces are not as well designed to combat infantry in urban environments where it takes time and manpower to clear buildings and blocks. These capabilities together with its strategic projection capability offer excellent balance to the full spectrum Army.

CBO Assertion: The Defense Department made a strong statement about the utility of the LIDs in combat when it failed to use any light infantry forces during Operation Desert Storm.

Fact: Your report states that the Department of Defense failed to use any light infantry forces during Operation Desert Storm (ODS). This is totally an inaccurate statement. Both the 82nd Airborne and the 101st Airborne (AASLT) were deployed in ODS. Although the 82nd Airborne Division did not parachute into the area of operations, it was the first U.S. ground force rapidly projected to Saudi Arabia to show U.S. military commitment and resolve to the region. The highest demonstration of U.S. resolve to defend Saudi Arabia from Saddam Hussein was to put soldiers on the ground as quickly as possible. The 82nd Airborne was on the ground within 24 hours. This action drew the line in the sand and allowed time for the heavier units to arrive in the Area of Responsibility (AOR). The 101st was utilized not only in Desert Storm by air assaulting 153 miles into the enemy rear and securing key tactical objectives along the Euphrates River, but also early in Desert Shield as a covering force in defense of Saudi Arabia. It should also be noted that the light infantry divisions remained in the continental U.S. to provide the U.S. with a strategic reserve to react to any threats seeking to capitalize on the U.S. deployment.

CBO Assertion: The 10th Mountain Division's firepower and protection proved to be

inadequate against even the unsophisticated and poorly equipped troops in Somalia.

Fact: The 10th Mountain Division deployed to Somalia in 1992 with the mission of providing protection to the relief workers as they distributed food to the hungry. During the entire time the 10th Mountain Division was deployed to Somalia it accomplished its mission of protection and food distribution without any soldiers losing their lives. Mission creep (an evolving escalating requirement) redefined the U.S. role in Somalia and the forces were not re-tailored. As a result of this mission creep, Special Operating Forces (SOF) were deployed to key objectives to disrupt enemy command and control nodes. During one of the operations, the SOF operating in a different AOR required immediate support and regrettably none was available. After this operation it became apparent that the mobility and protection that armor forces have were necessary in the region if the U.S. was to pursue its redefined mission.

CBO Assertion: There have been no division size parachute assaults involving an entire division since World War II. Additionally, paratroop-qualified units exist in the special forces branch of the Army, and it is not obvious that the Army needs an entire division designed to be dropped by parachute.

Fact: While CBO correctly stated that there has been no division level airborne insertions since 1944, the capability for an airborne division insertion still exists. Special Operating Forces, in this case the Rangers, are required to have the capability for initial forced entry. The only reinforcement we have to expand lodgment is to assault airland; to insert vertically; or if tactically feasible to air assault. Assault airlanding places vulnerable Air Force Strategic lift assets on the ground and can be accomplished only if the insertion unit can secure an airfield and if the airfield is not damaged. In fact, many plans require airborne engineer units to build an airstrip to establish an aerial port of debarkation. Airborne insertion is by far the fastest way to mass combat power for initial entry. The standard airborne force package requires a brigade task force. In order to maintain a brigade on two hour notice and capable of deploying in 18 hours to any AOR, the division must rotate the duty among two other brigades. The necessities three airborne brigade task forces.

The balance of the current Army force structure is based upon the commitment of the U.S. around the world and the requirement to execute the National Military Strategy. The Army has four divisions which are strategically fixed; two in Germany for our NATO commitments, one in Korea for deterrence by treaty arrangement, and one in the Pacific to support USCINCPAC requirements. The Army must also be prepared to commit two corps of at least three divisions to Major Regional Conflicts (MRCs) in the East and West. Accepting that, at least one division will be forward deployed in the region and the Army must deploy five additional divisions for a total of ten divisions. The light infantry divisions offer the capability of rapid strategic mobility and a balance to the Army's total force. They are designed to be utilized in low- to mid-intensity conflicts with limited support; to integrate with armor forces in high-intensity conflicts, and to fight where armor cannot.

I believe the above analysis clearly indicates that DEF-17 is faulty in its assertions. Surely this is not characteristic of the type of thoughtful work we have come to expect from the Congressional Budget Office. In the

future, I hope that your military analysts will be more careful in their study of such important issues.

Sincerely yours,

JOHN M. MCHUGH,  
Member of Congress.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, January 29, 1997.

Hon. JOHN M. MCHUGH,  
U.S. House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN: Thank you for your letter of January 16, 1997 outlining your objections to CBO's option concerning the Army's light divisions in our August 1996 edition of *Reducing the Deficit*. We appreciate your taking the time to inform us of your concerns. In future editions of *Reducing the Deficit*, we plan to be more explicit about the advantages and merits attributable to light infantry divisions, and also to clarify some statements that may have been misinterpreted.

I would ask you to please keep in mind, however, the fact that each of the entries included in *Reducing the Deficit: Spending and Revenue Options* is just that, an option to be considered as a means to reduce the deficit. CBO does not endorse any of those options and draws no conclusions regarding their merit.

Sincerely,

JUNE E. O'NEILL, Director.

## THE IMPACT OF THE IRISH POTATO FAMINE ON AMERICAN HISTORY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, today I introduced legislation along with Representative MENENDEZ to encourage America's schools to teach our young students about a tragic period in history that nearly destroyed the people and country of Ireland and forever changed the face of America.

The mass starvation in Ireland from 1845 to 1850 initiated by the dramatic failure of the Irish potato crop is most commonly referred to as the Irish potato famine. Although Europe's poorest country in the middle 19th century, Ireland's 8 million inhabitants were curiously well nourished. The Irish people relied on the potato for the bulk of their diet since it was inexpensive and high in nutrients. However, in 1845, the Irish potato crop was ruined across the entire countryside by phytophthora infestans, an airborne pestilence. At the time, no one knew what caused the potato blight and so little could be done to save the crops. Across the whole of Ireland, potatoes simply rotted on the ground.

The failure of the potato crop led to the inability of most Irish families to pay the rent on their cottages which, after Britain's annexation of the island in the late 18th century, were often owned by British landholders. The vicious cycle of poverty was held intact by both the continuation of the potato blight and the active exportation of the Irish grain crop by the British Crown. Those who traveled across the island during the famine noted the horrifying



situation in which they encountered the Irish people. Men, women and children literally starved to death on the roadside and families huddled together in the cold waiting to die. In fact, while visiting Ireland in 1845, the African-American abolitionist Frederick Douglass wrote that the people of Ireland "are in the same degradation as the American slaves."

A number of British groups threw aside the prevailing prejudices against the Irish to provide relief from what had become a starvation of epidemic proportions in the colony. The Quakers, or the Society of Friends, even set up a vast array of soup kitchens throughout the countryside. However, it was not enough to stop the hunger and loss of farming wages. By the end of the epidemic in 1850, more than one million Irish had perished from the hunger, cold and disease brought about by the potato blight. It seemed the only way to elude the horrors of the famine was to leave Ireland—and so many did just that.

Although the voyage was treacherous and relatively expensive, more than one million Irish emigrated to the United States during the famine. Initially, they settled in the cities of the northeastern seaboard such as Boston and New York. Later they pushed westward to Chicago, the Great Plains and the uncharted western territories. With them they brought their Celtic culture and determination. Aside from impacting the basic makeup of the American people, Irish-Americans have made significant contributions in American business, law, music, athletics, literature, religion and politics. In fact, U.S. Presidents John F. Kennedy and Ronald Reagan, considered by many to be the greatest Presidential orators of their respective political parties this century, are both from Irish-American families.

Perhaps, though, the legacy of the Irish famine's immigration wave to America is most evident in our everyday lives. Today, more than 1.5 million of New Jersey's 8 million inhabitants claim some Irish descent, as do millions of other Americans. The resolution put forth today by myself and Representative MENENDEZ recognizes the contributions made by Irish-Americans to our greater American heritage. Irish-Americans have left an indelible mark on our American culture and history, and for that reason our children should learn more about the tragic famine which brought so many of them to our shores in search of freedom from hunger, freedom from want and freedom from colonial rule.

THANKING KENNETH SAMUEL  
MCCALL

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. WYNN. Mr. Speaker, I ask my colleagues from the great State of Maryland, and of this House, to join me in saluting a constituent of the fourth Congressional District of Maryland and a great American. Mr. Kenneth Samuel McCall has made outstanding contributions to the Edison Electric Institute during his 41 years of dedicated service. I congratulate him on the occasion of his retirement, and

offer my best wishes to him and his family as he enters a new chapter in his life.

# INTRODUCTION OF LEGISLATION TO SUSPEND DUTIES ON CERTAIN IMPORTED RAW MATERIALS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. McDERMOTT. Mr. Speaker, today I am introducing legislation which supports important regional and national interests.

My home, the Seventh Congressional District of Washington, is also the home of K2 Corp., the last remaining major U.S. manufacturer of skis and one of three major makers of snowboards in the United States. K2 conducts all significant manufacturing operations for skis and snowboards at its Vashon Island, Washington facility. In fact, all K2 snowboards and virtually all K2 and Olin-brand skis sold throughout the world are individually crafted by technicians on Vashon Island. Moreover, K2 sources almost all of the components for its skis and snowboards in the United States stimulating the U.S. economy through its purchases of raw materials from U.S. suppliers, especially in the Pacific Northwest region of the country. However, for two key ski and snowboard components, i.e., spring steel edges and polyethylene base materials, K2 has been unable to find a supplier of these products in the United States that can meet its needs. Therefore, K2 has been forced to import these products, which are subject to U.S. customs duties upon importation. This legislation provides for a temporary suspension of customs duty on the two raw materials which are vital to the U.S. production of skis and snowboards and which are unavailable from domestic producers.

K2 is working hard to remain viable in the highly competitive international market for skis and snowboards. In fact, K2 has endured as a U.S. ski manufacturer in the face of fierce price competition, while several other major ski companies no longer manufacture skis in the United States. This temporary duty suspension legislation would support jobs in the region, as well as K2's ability to continue developing innovative, fine quality products. Equally important, a temporary duty suspension would help K2 preserve and increase its competitiveness in the global marketplace.

K2 is the only major exporter of skis made in the United States. In addition, K2 is one of three principal exporters of U.S. made snowboards. Thus, K2's exports of U.S. manufactured skis and snowboards represent a substantial percentage of U.S. skis and snowboards sold worldwide. If K2 is unable to remain competitive in global and domestic markets, skis manufactured in the United States may disappear from the global marketplace. The temporary duty suspension proposed by this legislation would help prevent the shutdown of the only remaining U.S. producer of skis.

## INTRODUCTION OF LEGISLATION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mrs. MINK of Hawaii. Mr. Speaker, today, I am introducing legislation to provide Social Security disability beneficiaries with severe spinal cord injuries the same protections as are afforded the blind.

Spinal cord injury can result in paralyzing injuries that severely affect their lives, and their ability to provide for themselves and to work.

My legislation seeks to help those who have somehow overcome their debilitating injury and are able to earn some money, but who still need to retain basic support as is provided under Social Security Law.

Under the current law governing the Social Security Disability Program, applicants are eligible for benefits if they are determined to have the ability to earn no more than the substantial gainful activity [SGA] amount, which is \$500 a month.

The SGA is used in determining whether beneficiaries can continue to receive assistance. If they earn income over \$500 a month, they will lose these benefits.

The Senior Citizens' Right to Work Act of 1995 increased the SGA amount for blind individuals to countable earnings of \$1,000 per month, which took effect on January 1, 1997. This provision allows disabled individuals who are blind to qualify for Social Security disability, even if they can earn up to \$1,000 per month. It would also allow blind individuals to continue receiving benefits if they return to work and earn a monthly amount not in excess of \$1,000.

My legislation seeks to allow persons with severe spinal cord injury to have the same SGA as beneficiaries who are blind. These severely disabled beneficiaries should not be discouraged from working to help offset their needs which are at least equivalent to the blind, or even greater.

Social Security disability benefits should not be withdrawn from severely disabled spinal cord injured persons because they have the initiative and courage to earn up to \$12,000 a year. If they can help themselves notwithstanding their disabilities, they should be encouraged to do so. I urge my colleagues' support for this legislation.

## THE FOUR CHAPLAINS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. GILMAN. Mr. Speaker, I wish to recognize the legacy of the four chaplains who gave their lives for others in the icy waters of the North Atlantic over 50 years ago. On the night of February 2, 1943 aboard the U.S.A.T. *Dorchester*, four chaplains—George L. Fox and Clark V. Poling, Protestant ministers; Alexander D. Goode, a Jewish rabbi; and John P. Washington, a Catholic priest—gave their life vests to four other men after their ship was torpedoed off the coast of Greenland.

The *Dorchester*, carrying 902 servicemen, merchant seamen and civilian workers, was one of three ships in the SG-19 convoy moving across the icy waters from Newfoundland toward an Army base in Greenland. The ship's captain, Hans J. Danielsen, recognized the danger of the trip, as the stretch of water in the North Atlantic was constantly patrolled by German U-boats and one of the ships in the convoy, the Coast Guard Cutter *Tampa*, had detected a submarine with its sonar earlier in the day. At 12:55 a.m. on the morning of February 3, a German U-boat spotted the *Dorchester* only 15 miles away from its final destination and fired a deadly barrage of torpedoes. The hit was decisive, striking the starboard side, far below the water line.

Aboard the *Dorchester*, chaos set in. The direct hit had killed several men instantly, while others were seriously wounded. Throughout all of the pandemonium, according to those present, the four Army chaplains brought hope in despair and light in darkness. When the chaplains opened a storage locker and began distributing life jackets, they realized that there would not be enough for all the men aboard the ship. When there were no more life jackets in the storage room, the chaplains removed theirs and gave them to four frightened young men.

As the ship went down, survivors in the nearby rafts could see the four chaplains—arms linked and braced against the slanting deck. According to eyewitnesses, the chaplains were heard offering prayers for the soldiers who had died in the wreckage. Of the 902 men aboard the ship, 672 died, leaving 230 survivors. When the news reached American shores, the nation was stunned by the magnitude of the tragedy and heroic conduct of the four chaplains. As Francis B. Thorton notes in his book, *Sea of Glory: The Magnificent Story of the Four Chaplains*, "Catholic, Jew and Protestant; each proved that night that courage knows no distinction of creed, bravery no division of caste."

The four Army chaplains were posthumously awarded the Distinguished Service Cross and Purple Heart at a ceremony at Fort Myer, VA in 1944. Since these events, a chapel in Philadelphia honoring their heroic act of selflessness was dedicated by President Truman in February of 1951 and the chaplains were posthumously awarded a Special Medal for Heroism in January of 1961 by President Kennedy. Additionally, a memorial fountain at the National Memorial Park outside of Washington, DC was constructed in 1955 to attest to their extraordinary act of courage.

On February 2nd, the members of the Rockland County American Legion and the Orange County American Legion held their annual service to honor these heroic four chaplains.

The services had been organized in Rockland County by Joseph Vitulli, commander of the Rockland County American Legion, and Peter Medina, who serves as the chaplain and chairman. These services were conducted at St. Joseph's Church in Spring Valley, NY.

In Orange County, they were organized by former American Legion County Commander Roy Cowen, who read the saga of the Four Chaplains at the services conducted at St. Patrick's Church in Highland Falls.

The chaplains remain an enduring example of extraordinary faith, courage and selflessness.

On the night of February 2, 1943, Rev. Fox, Rabbi Goode, Rev. Poling, and Father Washington passed life's ultimate test. Mr. Speaker, I invite my colleagues to join in the commemoration of their heroic act of courage which we remember this month.

#### ANOTHER STEP TO RESTORE POWER TO STATES

**HON. WILLIAM M. THOMAS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. THOMAS. Mr. Speaker, we need to take another step to restore power to States. The Department of Labor is saying California has to pay unemployment benefits to certain criminals being released from prison. That should be a matter States decide for themselves in choosing methods for reforming prisoners.

The Department wants States like California to pay unemployment benefits to some prisoners because Federal law requires employers to pay Federal employment [FUTA] taxes on work performed by their employees. This includes prison inmates who work for private companies through innovative work programs established in several States, including California. Several hundred prisoners in California are employed in jobs provided under agreements between the State and private businesses. However, FUTA taxes do not have to be paid for work by prisoners employed in prison operations such as the laundry or cabinet shop.

Since FUTA taxes are paid on behalf of some prisoners, the U.S. Department of Labor has ruled that these prisoners must be paid unemployment benefits upon their release from their job—essentially, when they are released from prison. Failure to comply is serious: California employers, for example would lose tax credits worth \$1.7 billion for FUTA taxes they pay on other workers if the California program is disqualified.

Why does Labor take this position? The Federal Unemployment Insurance Program only permits denial of employment benefits in three cases: If the worker's income exceeds certain limits; the claim is fraudulent; or the employee was fired for misconduct. Since prisoners lose their jobs when paroled or released from prison, they do not fit the exceptions.

Californian voters established the joint venture program in 1990, creating a private work program for prison inmates. Criminals' wages are used to compensate victims, offset incarceration costs, and set aside funds—20 percent—for the inmate's support upon his or her release from prison. Last year, 1996, California voters overwhelmingly passed an initiative, proposition 194, that denies unemployment benefits to criminals participating in the joint venture program.

The Department of Labor decision would force Californians either to pay out unemployment benefits to released prisoners or to eliminate a program that has been successful in helping criminals change their lives. Allowing

employees to lose \$1.7 billion in credits for taxes they pay on the services of ordinary working people is not an option, needless to say.

Legislation I am introducing today would change the law to treat all prison inmates who participate in work programs the same: their services would be exempt from the FUTA tax. This would effectively deny unemployment benefits to released prisoners and prohibit the Department of Labor from placing such a ridiculous requirement on the States. The bill's enactment would give States an additional tool to use in trying to reform criminal behavior and I hope my colleagues will agree to its adoption in the near future.

#### TRIBUTE TO LOUIS J. AMABILI, DIRECTOR OF THE DELAWARE STATE FIRE SCHOOL

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 4, 1997*

Mr. CASTLE. Mr. Speaker, I rise to commend and pay tribute to the fine work of an outstanding, dedicated, and caring Delawarean, Louis J. Amabili, director of the Delaware State Fire School. For myself, and on behalf of the citizens of the First State, I would like to thank him for his many years of tireless and dedicated service.

On this occasion in Delaware, firefighters will gather and recognize his more than 50 years of outstanding leadership and guidance to his community, State, and Nation. This type of dedication to public service is rare among individuals. During his tenure, many dedicated and caring men and women have been trained to help prevent or battle fires and perform emergency medical service for our citizens. Because of the stewardship and teamwork of Louis Amabili, Delaware fire and emergency medical services have become a vital and integral part of our community.

Louis J. Amabili has been a loyal and devoted guardian to the hundreds of fire services personnel throughout Delaware. He is the founding Director of the Delaware State Fire School, a facility that originated from his design and now bears the honor of his name. The school is currently viewed as one of the leading fire training facilities in the Nation. Under Louis Amabili's direction the Sussex County and New Castle County training centers were established to provide live fire training within 30 minutes of every fire company in Delaware. He has served as president of the New Castle Volunteer Fireman's Association, he is a member of the Hockessin Fire Co., and the International Association of Fire Service Instructors. President Richard Nixon appointed him to the Fire Prevention and Control Commission, where he coauthored the commission's report "America Burning". And, for his numerous achievements in fire services, Governor Pete DuPont recognized him with an "Order of the First State".

In addition to his many accomplishments, Louis Amabili is one of the most respected leaders in fire services today. He has served on the board of directors of the National Fire



Protection Association, and chaired the Fire Officers Professional Qualifications Standards Committee. During his tenure as a member of the International Fire Services Training Association he received their highest recognition for his role in fire service training. He has chaired the Joint Council of National Fire Service Organization and helped to establish the National Fire Professional Qualification System. He serves as a member of the board of directors of the Congressional Fire Services Institute, which I have the privilege and honor of serving as cochairman, and he received the Institute's highest honor, the Congressional Fire Service Person of the Year Award.

Mr. Speaker, I salute Louis J. Amabili for an outstanding record of public and community service, a record that has touched so many lives throughout the State of Delaware and our Nation. He is truly an inspiration for all of us. His tireless commitment and dedication to the cause of volunteer firefighters will find a permanent place in the Delaware volunteer fire service history.

The example Louis J. Amabili has set in the fire service is one which we hope all future fire and emergency medical services personnel will emulate. His dedication to fire and emergency medical services is admirable and his tradition of service is truly commendable. I want to thank him for his 50 years of exemplary service.

#### WATER LEGISLATION

### HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. CRAPO. Mr. Speaker, I rise today to introduce legislation to help remedy a problem that is particularly burdensome to the water delivery companies in the West. Like many seasonal businesses, complying with the Fair Labor Standards Act has become a huge burden to both water delivery companies and their employees.

Irrigation has never, nor will it ever be, a 40-hour-a-week job. During peak agricultural months, water must be managed and delivered continually. Later in the year, the work load is light, consisting mainly of maintenance duties. Time off and winter compensation have been the methods of compensating for overtime during these peak agricultural months. Instead of being allowed to offer their employees winter compensation or time off, water delivery companies must now lay off water delivery personnel after the peak agricultural months.

Under current law, contained at 29 U.S.C. sec. 213(b)(12), an exemption from the maximum hour requirement exists for employees hired to work in conjunction with water delivery companies that deliver water exclusively for agricultural use. This exemption was designed specifically to address the unique problems faced by water delivery companies when complying with the Fair Labor Standards Act.

Under the current interpretation of the law, water delivery organizations must deliver their water exclusively for agricultural purposes to

qualify. For many water delivery organizations who deliver a small portion of their water for nonagricultural purposes, this interpretation has been disastrous. They are unable to benefit from the exemption even though it was designed with water delivery companies in mind.

I am introducing legislation that would expressly set the requirement of water to be ultimately delivered for agriculture purposes at 75 percent. This adjustment more accurately reflects the realities of agricultural water delivery. It would also benefit agricultural employees by making it possible for employers to provide them with year-round compensation rather than seasonal wages.

#### TRIBUTE TO THE ARROWHEAD CHRISTIAN ACADEMY EAGLES

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. LEWIS of California. Mr. Speaker, I rise today to honor the accomplishments of the Arrowhead Christian Academy [ACA] 1996 varsity football team of Redlands, CA. On December 14, 1996, the ACA Eagles won the 1996 CIF—Southern Section—Division XII Championship, its first CIF championship ever. The Eagles' outstanding season was further highlighted by earning the 1996 Cal-Hi Sports Division V State Championship as well.

Averaging 45 points a game, this incredibly talented team went undefeated this season, 14-0. The Eagles' unstoppable offense scored a total of 638 points over the course of the season, thus becoming the fourth highest scoring football team in CIF Southern Section history. The outstanding Eagle defense held its opponents to just 116 points. Also, this remarkable season for the Eagle defense included six shut-out games.

Special recognition is in order for Head Coach Dan Finrock, Assistant Coaches Drew Rickert, Dave Wiseman, Dave Marshall, Jon Burgess, Nate Finrock, and Trainer Ben Mulder for their leadership and service.

Many of the Eagles were honored with All Southern-Section CIF Division 12 awards including Coach of the Year: Dan Finrock, Offensive Player of the Year: Trevor Wilson (Wingback), and Defensive Player of the Year: Brandon Camacho (Nose Guard). Other All CIF selections included: Steve Wharry (Linebacker), Dan Jeffers (Offensive Tackle), and Ben Burgess (Offensive Tackle).

First Team All Christian League selections were: Trevor Wilson (Most Valuable Player), Brandon Camacho (Nose Guard), Steve Wharry (Linebacker), Ben Burgess (Offensive Tackle), Mark Johnson (Defensive End), Dan Jeffers (Offensive Tackle), and Pete Coberly (Linebacker).

Second Team All Christian League selections were: Allan Kavalich (Center), Ben Ballard (Quarterback), Jonathon Reed (Fullback), and Robbie Ramos (Cornerback).

Other members of the 1996 Eagle championship team include: Charlee Brown, Jelani Andrews, Dan Schaper, Joe Ramos, Danny Lee, Steve Hale, Ben Gradias, DJ Gallagher, Andy Alexander, Jason "Bubba" Robertson,

Carl Overholt, Bo Ashton, Nick Selle, and Robbie Whittenburg.

Mr. Speaker, I ask that you join me, our colleagues, the team's families and many friends in honoring the 1996 Arrowhead Christian Academy football team. It truly has been an unforgettable season for the Eagles and it is only fitting that the House recognize them today.

#### MADRID PROTOCOL IMPLEMENTATION ACT

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. COBLE. Today, I am introducing the Madrid Protocol Implementation Act. This implementing legislation for the protocol related to the Madrid Agreement on the International Registration of Marks was introduced in both the last Congress and in the 103d Congress. While the administration has still not forwarded the treaty to the Senate for ratification, the introduction of this legislation is important to send a signal to the international community and to U.S. businesses and trademark owners that the U.S. Congress is serious about our Nation becoming part of a low-cost, efficient system for the international registration of trademarks.

The international system for the registration of trademarks established and operating under the Madrid Protocol, which is administered by the World Intellectual Property Organization, would assist our businesses in protecting their proprietary names and brand-name goods while saving cost, time and effort. This is especially important to our small businesses who may only be able to afford world-wide protection for their trademarks through a low-cost international registration system.

The Madrid Protocol went into effect in April, 1996 and currently binds 12 countries. Without the participation of the United States, the Protocol may never achieve its purpose of providing a one-stop, low-cost shop for trademark applicants who can, by filing one application in their country and in their language, receive protection by each member country of the Protocol.

There is no opposition to this legislation, nor to the substantive portions of the treaty. The State Department is attempting to work out differences between the administration and the European Union regarding the voting rights of intergovernmental members of the Protocol in the Assembly established by the Protocol. Under the Protocol, the European Union receives a separate vote in addition to the votes of its member states. While it may be argued that the existence of a supra-national European trademark issued by the European Trademark Office justifies this vote, the State Department finds the provisions of the Protocol allowing intergovernmental organizations to have a vote in addition to the votes of its constituent member States to be in opposition to the fundamental democratic concept of one vote for each State. They also fear that this voting structure may constitute a precedent for

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deviation from the one state-one vote principle in future international agreements in other areas. Those differences need to be settled before the Secretary of State will recommend to the President that a ratification package be presented to the Senate. The State Department is working closely with the Subcommittee

on Courts and Intellectual Property of the Committee on the Judiciary, which I chair, to formulate a proposal to the European Union, and subsequently to the members of the Protocol, to amend the Madrid Protocol Assembly voting procedures in a way which would provide for input by the European Union without

circumventing the one member-one vote principle.

It is important to move this legislation forward at this time, however, to encourage negotiation, and to assure that the U.S. stands ready to benefit from the Madrid Protocol as soon as it is ratified.